



**PARLIAMENT OF TASMANIA**

**HOUSE OF ASSEMBLY**

**REPORT OF DEBATES**

**Wednesday 25 May 2022**

**REVISED EDITION**



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**Wednesday 25 May 2022**

The Speaker, **Mr Shelton**, took the Chair at 10 a.m., acknowledged the Traditional People, and read Prayers.

## **RECOGNITION OF VISITORS**

**Mr SPEAKER** - Honourable members, I acknowledge the presence in the gallery of the year 5 students from Lansdowne Crescent Primary School. Good morning and welcome to Parliament House.

**Members** - Hear, hear.

## **QUESTIONS**

### **Wages Policy for State Service**

**Ms WHITE question to PREMIER, Mr ROCKLIFF**

[10.02 a.m.]

Frontline workers in Tasmania including nurses, teachers and firefighters are paid significantly less than their mainland counterparts. Whilst this might have been tolerable given lower housing and other living costs, that is most certainly not the case today. Will your Budget include a wages policy that sees the pay of nurses, teachers, firefighters and all other public sector workers at least keep pace with inflation? Or is it your policy to impose a real pay cut on people who give so much to the rest of us?

## **ANSWER**

Mr Speaker, I thank the Leader of the Opposition for her question. I appreciate why the member would be asking the question.

I acknowledge the year 5 students from Lansdowne Crescent Primary School - a wonderful school which I have visited a number of times. I very much appreciated the chat we had prior to question time today.

We all value our frontline staff working across our public service in general who have done such a wonderful job in working with the community and keeping Tasmanians safe. I very much appreciate the stresses, particularly within our health system, for our frontline workers, our nurses, our paramedics, about which we had some discussion yesterday; teachers in our schools, police on the beat - right across our public service.

We will always provide a commitment to delivering fair, reasonable and affordable wage increases for State Service employees. We are committed to negotiating with industrial advocates, and with unions, in good faith. I have always had a very good relationship with respective unions. I have dealt with the Australian Education Union (AEU) in my education-minister tenure for some seven years and more recently with the Australian Nursing and Midwifery Federation (ANMF). The ANMF and Health and Community Services Union (HACSU) have been involved in our round table recruitment taskforce, which is very important

when it comes to ensuring we have the numbers of people who can cater for increasing demand in our health system.

In the upcoming bargaining round, 15 wage agreements are due for negotiation, as well as the police award. This includes the PSUWA Agreement, which covers all employees under the Tasmanian State Service Award and the Health and Human Services Award. Six agreements with a variation of the police award were finalised in the 2021 negotiation round and a majority have been registered and in-principle agreement has been reached for legal practitioners.

We will always negotiate in good faith. We will always take into account the inflationary pressures and other matters the industrial advocates may well put on the table, but they have to be fair, reasonable and affordable.

Our Budget will be delivered by our Treasurer and Deputy Premier, Mr Ferguson, tomorrow. We are looking forward to that. We have asked you - and that also puts some pressure on yourselves as the alternative government in Tasmania - to deliver an alternative budget. We have not seen one. We have not seen one since 2013 when our side delivered an alternative budget. You have been through a 2018 election, a 2021 election and in between, and before those times, not a single alternative budget has been produced.

The Greens have produced an alternative of sorts. At least they are prepared to have some skin in the game and demonstrate their priorities for the Tasmanian people.

We are looking forward to our Treasurer's Budget tomorrow, but we are also looking forward to the budget in reply on Tuesday, where it is important that the alternative government in this state also outlines their priorities.

### **Waste Management - Landfill Levy**

#### **Ms WHITE question to PREMIER, Mr ROCKLIFF**

[10.08 a.m.]

Mr Speaker, no answer about wages there from the Premier.

You went to the last election promising no new taxes for Tasmanians. Yet from 1 July this year all Tasmanians will be paying higher rates and higher rents because of the bin tax that you have imposed on every Tasmanian household. They will also be paying higher gate fees at the tip. How can you justify breaking such a core promise, increasing cost pressures on every Tasmanian household and particularly in the middle of a cost of living crisis?

#### **ANSWER**

Mr Speaker, I thank the member for her question. The point I was making before is that in government you have to make some difficult, but very necessary, decisions when it comes to various matters.

Waste management is a key issue. I commend our Minister for Environment, Mr Jaensch, for bringing this forward and having it debated through this House and elsewhere. The Waste

and Resource Recovery Bill passed through the parliament in March this year and has recently been enacted. It puts in place a landfill levy to encourage the diversion of waste from landfill and to raise funds for reinvestment into the resource recovery sector. It will commence, as the member said, on 1 July 2022. We are actively working with local government and other stakeholders to help them prepare for this.

It marks a significant change in the way Tasmanians manage waste. It is part of our policy position that provides a vision for the future of waste and resource recovery in Tasmania and comes at a key time as we respond to the waste export bans. We are maximising the capability of the resource recovery sector to collect, recycle, reuse, reprocess and recover the waste and minimise landfill. We have made the necessary decisions to support and protect our environment in Tasmania. I said I would lead a government that is courageous and this is an exact example of it, where we have to make challenging decisions.

**Ms White** - It will increase illegal dumping, and your minister admitted that.

**Mr SPEAKER** - Order.

**Mr ROCKLIFF** - You can play politics all you like, but what is your alternative here, Ms White? Are you going to repeal the levy, for example? Is that your position?

**Ms White** - We proposed an alternative and you ignored it - adopt the Queensland model.

**Mr SPEAKER** - Order.

**Mr ROCKLIFF** - If you are then you are going to have to fund that in another way. I will be interested in how you go about that, Ms White.

There is no room for budget magic puddings, like the Opposition tends towards. Dr Broad, the other day, wants a lot of money in a lot of areas of the state Budget but at the same time he is complaining about the debt in Tasmania. We have invested very strategically over the last couple of years.

**Dr Broad** - Where did I say that? Where are you quoting from, Premier? Where are you getting these words from? You are just making it up.

**Mr SPEAKER** - Order.

**Dr Broad** - He has just pulled some -

**Mr SPEAKER** - Order. The Premier is on his feet. He is allowed to make his contribution. It is relevant to the question, so members should listen to what the Premier is saying. If you wish to ask another question post that and then you will get the opportunity.

**Mr ROCKLIFF** - He is the member for political purposes. I have to say, frankly, they are weak politics. He talks about a tax. The landfill levy is not a tax. The whole of the funds raised by the landfill levy will be allocated back into waste and resource recovery initiatives and not into the Government consolidated fund. It is open, it is transparent, and people understand exactly where that resource is going to. It is very necessary.

We are a government that values the environment, makes reforms such as this and ensures sustainability when it comes to waste management. That is what we are about: sustainability and sustainable use of our resources, not playing politics like others do. If you are going to repeal this levy, I will be interested exactly how you are going to fund it in your alternative budget, Ms White.

### **Finfish Industry - Implementation of Committee Recommendations**

**Dr WOODRUFF question to MINISTER for PRIMARY INDUSTRIES and WATER, Ms PALMER**

[10.13 a.m.]

The Legislative Council's extensive public inquiry into the finfish industry has delivered its report. It makes a lie of your Government's claims that Tasmania has the world's strongest regulatory regime. It confirms that our environmental rules and consultation with stakeholders are woeful and that political decision-making happens without evidence or transparency.

After decades of harm to Tasmania's sensitive marine waterways there is irreversible ongoing damage to inshore farmed areas and wildlife. The report recommends removing fish farms from sensitive inshore waters, setting an environmental standard, dealing with dangerous and polluting debris and improving the EPA and transparency. Minister, before signing off on a 10-year expansion plan, will you commit to first implementing the inquiry's 68 recommendations?

### **ANSWER**

Mr Speaker, I thank the member for her question. The Tasmanian Liberal Government notes the release of the Legislative Council's final inquiry report into finfish farming in Tasmania and it will take time to consider this report, as it should. This Government is ensuring that our salmon industry remains sustainable, that it is world-leading, and retains the support of the Tasmanian community into the future.

The report has flagged accountability, effective and appropriate regulation and transparency as key matters for consideration. These are things that we as a government have been actively progressing and delivering on under the Sustainable Industry Growth Plan for the Salmon Industry, which was established in 2017. We are now building on the outcomes to date and advancing the development of the 10-year salmon plan. We are committed to delivering a plan that is centred on innovation, continuous improvement and world-leading practices.

The plan will establish long-term actions that support a vision for a sustainable industry, and which continues to support Tasmanian jobs and businesses across the supply chain. Delivery and implementation of the plan in 2023 remains a key focus of this Government and the finfish inquiry report will be considered in this context.

Importantly, while the plan is being developed, there will be no further increase in the leasable area of finfish farms in state waters. This principle was announced by Government last year and I note it is one of the key Legislative Council's report recommendations and aligns with our Government's position.

I know that it has been two and a half years since the inquiry was established and that many of the 68 recommendations put forward in the Council's report have or are already being progressed by Government in its development of the 10-year salmon plan.

It is also encouraging to note that many of the stakeholders who made representations to the inquiry have had the opportunity to also participate in the initial stages of consultation on the development of the 10-year plan. We will continue to engage with and listen to stakeholders throughout this process.

The salmon industry is extremely important for our economy, our regional communities and their families. It is a primary industry that is sustainable, well regulated, and underpinned by robust processes and practices that are appropriately provided. It is part of our brand and an industry Tasmanians can be really proud of.

We will consider the report in more detail and provide a formal response in due course.

Mr Speaker, the new 10-year salmon plan builds on eight years of continuous improvement in industry regulation, transparency, monitoring and performance. For example, we have transferred responsibility for the environmental regulation of the industry to the independent EPA, including the requirement of new environmental licences along with environmental monitoring.

We introduced a zero-tolerance policy on marine farming debris, and gave Marine and Safety Tasmania a formal role in safety enforcements around marine farms. We brought greater transparency through publishing environmental fish health and other industry data on the salmon portal, as well as benchmarking the Tasmanian industry through the Tasmanian Salmon Industry Environmental Scorecard.

We invested with industry into science and research and development through the world-class IMAS, the Blue Economy CRC and the aquatic animal health and vaccine centre in Launceston. We are advancing accountability through developing new regulatory standards for biosecurity, the environment and marine farming operations. We have already prioritised and established additional resources for independent regulation through the appointment of a new role, the Director of Finfish Compliance in the independent EPA. We have already announced that we are reviewing fees and charges applicable to the salmon industry to ensure full cost recovery and appropriate return to the Tasmanian community.

As for the way forward, we are engaging with the community, the industry and a broad range of stakeholder groups right now to ensure that everyone has an opportunity to provide their input into the development of the 10-year plan.

### **Truth in Political Advertising**

#### **Ms JOHNSTON question to ATTORNEY-GENERAL, Ms ARCHER**

[10.20 a.m.]

There are federal and state laws against misleading and deceptive conduct in trade and commerce, but not in politics. When a customer walks into a shop, they can be confident that consumer laws prevent that business from engaging in misleading and deceptive conduct or

advertising. Here in Tasmania, it is perfectly legal for political parties and candidates to lie in advertising.

As we saw in last weekend's election, voters are utterly sick of it and recent polling found that almost nine in 10 Tasmanians want legislation to require truth in political advertising. Will your government follow jurisdictions such as South Australia and the ACT, which have already passed truth-in-political-advertising laws?

**ANSWER**

Mr Speaker, I thank the member for Clark for her question. It is important for me to update the House in relation to our intended electoral reform. While it was certainly my intention to bring this forward by the end of last year, it has taken time to consider feedback and present a bill. One of the matters that the member for Clark has referred to is an issue that needs considering as part of that feedback as well. I can inform the House that I anticipate the bill or bills will be tabled very soon.

Our Government has reconfirmed its commitment to making reform to the Electoral Act Review, paving the way for this new legislation to deliver a political donation disclosure scheme in Tasmania and related provisions in relations to a quite significant second tranche of reform. This will deliver a fairer, more transparent and modern electoral system for our state.

As part of our 100-day plan after our re-election, I released two draft bills for consultation, the Electoral Disclosure and Funding Bill 2021, and also, the Electoral Matters Miscellaneous Amendments Bill 2021 to which I am referring. The bills introduced new state-based disclosure requirements and a funding system in relation to elections in Tasmania that provides for the disclosure of political donations, reporting of electoral expenditure, and public funding at an appropriate level for both administrative and per-vote funding.

These important reforms will bring Tasmania into line with other jurisdictions who have state-based requirements for the disclosure of political donations and expenditure. The bills were available for public comment for a five-week consultation period last year, through the Department of Justice website, and the Department of Justice has - as we do with all legislation that goes out for consultation - considered the feedback received and I anticipate the bills will be tabled soon. Members will then have an opportunity to consider what those bills contain, and I look forward to debating those in the House this year.

**Budget 2022-23 - Digital Health Initiatives**

**Mrs ALEXANDER question to MINISTER for HEALTH, Mr ROCKLIFF**

[10.23 a.m.]

Leading advocates on consumer healthcare issues have identified digital health as significant to improving health outcomes. Can you outline the Tasmanian Liberal Government's commitment to improving health outcomes for all Tasmanians through innovation and the implementation of the very important digital health initiatives?

**ANSWER**

Mr Speaker, I thank the member for Bass for her question and appreciate her interest in this matter. Since coming to government in 2014 our Government has been investing

extensively in building and upgrading facilities at our hospitals or other health services to help meet the growing demand that we are seeing across the state.

In today's rapidly-changing health environment, modern digital health infrastructure is just as important as bricks and mortar. That is why I am delighted to announce to the House that in the 2022-23 budget, our Government has allocated \$150 million over the next four years to upgrade our digital health infrastructure that will help transform the way we deliver patient care across Tasmania. This investment will see the launch of a new statewide, fully integrated care platform that will enable our hospitals, GPs, community health, allied health professionals and other specialist providers to seamlessly communicate and share information with each other to enhance clinical decision making.

Hospitals, GPs and community health providers can only work together effectively as a health system if they are connected to one network, or as one network. Our current digital infrastructure is siloed and disjointed with providers unable to share information between systems and locations, and this leads to delays in treatment. It causes frustration, understandably, for patients and staff, and frankly it wastes money.

This digital transformation will deliver a range of benefits for patients including access to convenient healthcare in local communities, improve communications about appointments, reduce waiting times for services and less duplication of care and forms. Importantly, it would also prevent unnecessary hospital visits, helping to keep people out of hospital when they do not need to be there. This investment is just the start. We anticipate more than \$475 million will be allocated to this project over the next 10 years as the strategy is further scoped and developed.

In the first four years of funding, we will procure and trial a new centralised and secure electronic medical record system, and launch a statewide patient record viewer that connects all public and private healthcare providers. This will improve access to up-to-date clinical information across a range of healthcare settings and ensure that our health workforce has access to patient information to support important decision-making. We will also upgrade existing virtual-care technologies including Telehealth to enable more patients to receive care in their home, or in their community, streamline the referral and appointment process for patients and enhance clinical decision making through access to advanced data analytics.

This investment represents a major step forward in becoming the first Australian state with a fully integrated health care system, that is ready to meet the challenges of the future, just as we have seen digital technology enhance many other areas of our lives. This investment will transform our health system and enhance patient care. By linking public and private health services in one digitally-connected network, we will transform patient experience, improve patient care and ensure greater equity health outcomes across Tasmania's dispersed population.

## **Waste Management - Landfill Levy**

### **Mr WINTER question to PREMIER, Mr ROCKLIFF**

[10.27 a.m.]

You say that your Government is consulting with stakeholders, but your new 'bin tax' is causing significant concern amongst business owners like Darren King. Mr King runs a

business, Channel Garbage, collecting bins in the southern Channel region. His concern is that your new tax, your new broken promise, will cost him thousands of dollars that he will either have to absorb or pass on to his customers in the middle of a cost-of-living crisis. What do you have to say to Mr King, and can you outline for him how much your new tax is going to cost his business?

## **ANSWER**

Mr Speaker, I thank the member for his question. What would you say to Mr King? What is your alternative? Are you going to reverse the decision that we have made? Do you not care about mice management, the environment? In fact, I would be staggered if Ms Haddad, for example, supported you lot in the party room on this matter.

**Members** interjecting.

**Mr SPEAKER** - Order, we should be only hearing the Premier. Order.

**Mr ROCKLIFF** - Thank you, Mr Speaker. I did invite some interjections, I must confess, but I am not entirely sure that Mr Winter's position on this matter is entirely consistent, either.

Contrary to what some may be saying, the cost to households is minimal. Modelling of our preferred staggered approach of \$20 to \$40 to \$60 per tonne at two-year intervals indicates that the average cost to households will be \$7.67 per capita, assuming an average household size 2.3, this is around \$18 per household over the course of the year.

The levy analysis report by consultants carefully modelled the different options to ensure the balance across the community and wider economy were the most appropriate that they could be. Our Government believes that we have the balance right. The feedback received during public consultation, which was part of your question, confirms this, stating that any impact:

... is offset by ensuring that the levy funds are injected back into the community to stimulate the resource recovery sector, providing opportunities for economic growth and employment.

We cannot do nothing, Mr Winter. We have to make these decisions because they are necessary in terms of waste management.

**Members** interjecting.

**Mr SPEAKER** - Order, member for Franklin and the member for Braddon.

**Mr ROCKLIFF** - We understand that not everyone agrees with us, but when you are in government and you are confronted with challenges such as a sustainable waste management system, you need to make these reforms. We are up for those reforms. What the Tasmanian community will be interested in is what your alternative is.

## **Budget 2022-23 - Health Funding**

### **Mr O'BYRNE question to MINISTER for HEALTH, Mr ROCKLIFF**

[10.31 a.m.]

Tasmania's health system is in a dire state. Yesterday, the Launceston General Hospital advised people to reconsider their need to go to hospital due to acute care demand. The latest report on government services indicated that Tasmania has the worst statewide ambulance response times in the country. Ramping is rife and the average number of hours Tasmanian ambulances spend ramped each and every day has doubled under this Government's watch since 2014.

So far, you have refused to follow other jurisdictions and provide frontline health workers with a COVID-19 allowance. It is no wonder you cannot retain and attract enough health staff. In fact, health workers are currently taking industrial action against your Government because of your treatment of health staff. If your Government's commitments over the last nine budgets have failed to deliver improvements to health outcomes, how can you seriously expect people to believe that your tenth budget will?

### **ANSWER**

Mr Speaker, I thank Mr O'Byrne for his question. No-one could argue that we have not increased investment into our health system over the course of the last eight years. Yesterday, I detailed figures that showed we have increased our health workforce by some 1200 between 1 July 2020 and 30 March 2022. We had some discussion yesterday about ambulance response times. I highlighted the fact that the responses have increased by some 10.5 per cent, if I recall that figure correctly. Our response times have increased by some 2.7 per cent, if I recall that figure correctly.

We are in an environment where demand for our healthcare is increasing, which means we have to be innovative in our approaches as I have outlined before: our secondary triage system, which we implemented in February 2021; and our PACER model, which supports our mental health consumers with serious mental health concerns in our community, bringing our mental health clinicians, our paramedics and our police together to support people in the community. Yesterday, I outlined that more than 400 people have been supported through the PACER innovation and resource initiative and been diverted away from the emergency departments, therefore relieving some pressure on the very intense environment in our emergency departments.

We have been listening to our nurses with respect to COVID-19 allowance, which is also part of your question, Mr O'Byrne, and we are finalising negotiations with the unions on a COVID-19 allowance for our dedicated Tasmanian State Service health workers and correctional officers working in hospital or health settings for times when our hospitals are experiencing high levels of pandemic-related demand. On 16 May 2022, the Government made a final offer in relation to the agreement. I am informed that unions have accepted the agreement, which will now be implemented over the next six weeks. That is pleasing, with respect to a part of your question about the COVID-19 allowance.

We have been reducing our waiting lists in our health system. In January 2021, the waiting list was around 12 100 people, which I concede was too high but we had to cancel non-emergency elective surgery during the height of the pandemic in 2021, which had an impact.

We had a challenging environment post-15 December when we opened up our borders. We were as prepared as we possibly could be but that presented some challenges - to bring the waiting lists down during the pandemic period, with its disruption to under 10 000. We expect the monthly Health dashboard to be released on Friday. Naturally, as Minister for Health, I am hoping to see a further reduction in the waiting list as we bring it down to a sustainable level. We are doing that because of the investment we are making, listening to our clinicians. Our clinician-led patient-focused four-year elective surgery plan is an example of significant increased investment.

**Ms O'Connor** - You could negotiate with the new federal government that cares about public health.

**Mr ROCKLIFF** - I will be raising the issue of health and health funding, as we did before.

In respect to the 50-50 shared agreement between Commonwealth and state, around the country all state premiers irrespective of colour are united in our focus in ensuring that our efforts to ensure that the new federal government listens to our concerns when it comes to a sustainable health funding model. The Commonwealth needs to pitch in a lot more. I am concerned and have been particularly concerned for some time about primary care and access to GPs. That is a federal government responsibility on which I will work constructively but forthrightly with the new government.

### **TasWater - Increase in Water and Sewerage Prices**

**Mr WINTER question to PREMIER, Mr ROCKLIFF.**

[10.38 a.m.]

The rapidly rising cost of living is putting pressure on families across Tasmania. In 2018 your Government signed an MOU directing TasWater to increase its prices by 3.5 per cent every year for four years. How can you justify increasing water and sewerage bills by \$450 cumulatively over the next four years?

**Ms O'Connor** - They have to fork out \$240 million to clean up Bryn Estyn because of the hatcheries. It is true. Do your homework.

**Mr SPEAKER** - Order. The Premier has the call.

**Dr Woodruff** - They admitted it in GBEs.

**Mr SPEAKER** - Order, Dr Woodruff, order.

**Dr Woodruff** - Sorry.

**Mr SPEAKER** - I do not like it when you fight. I really do not.

## ANSWER

Mr Speaker, there is an amount of \$308 million over four years in concessions, water, sewerage, electricity and local council rates with regard to our Budget. Electricity prices are capped for four years, which is what we have done. There was a \$125 winter energy supplement last year and a 7.11 per cent reduction in regulated prices over the past seven years. We are talking about the cost of living and as an example, in real terms, regulated energy prices have decreased by 18 per cent for residential customers and over 27 per cent for small business customers. Water prices are frozen for two years and capped going forward.

**Mr Winter** interjecting.

**Mr SPEAKER** - Order.

**Mr ROCKLIFF** - As members know, the Government became a 5 per cent shareholder in TasWater with a view to reducing price increases and investing much needed capital upgrades -

**Mr Winter** interjecting.

**Mr SPEAKER** - Mr Winter, order. You have been called to order a number of times today. In the past I have indicated to the Greens that they should not be interjecting when they ask a question. This is your final warning. If you do that again, I will ask you to leave.

**Mr ROCKLIFF** - The remaining 95 per cent of TasWater is held by local government. However, through the MOU agreed between the Government, TasWater and its local government owners, our investment secured a price freeze for TasWater customers during the 2019-20 financial year and an agreement of a future cap on increases at no more than 3.5 per cent and the price freeze was subsequently extended for the 2020-21 financial year as part of a COVID support package. Clearly, we have taken action in a range of measures when it comes to the cost of living, including TasWater.

Dr Broad, but if you have a policy on this, let us know what it is. Do not just come in here and talk about all the problems. We are providing solutions, and we have provided solutions. You have to provide solutions as well as an alternative government, Dr Broad.

**Dr Broad** - You wanted the job. Prove you wanted the job and you are not just biding your time.

**Mr SPEAKER** - Order, member for Braddon.

**Dr Broad** - If you want to solve problems, solve them.

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### Member Suspended

#### Member for Braddon - Dr Broad

**Mr SPEAKER** - That is it. Member for Braddon, you can leave the Chamber until after question time.

**Dr Broad withdrew.**

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**Mr ROCKLIFF** - The Opposition has raised the waste levy and the issues of TasWater. Challenging as they are, we have acted on those issues in a responsible, measured and affordable way. I look forward to the Opposition's budget reply next Tuesday where they can outline their magic Labor pudding and be all things to all people.

**Ms Butler** - So you're not going to take any responsibility for it?

**Mr SPEAKER** - Ms Butler, if you do not wish to join your colleague you should stop interjecting.

**Mr ROCKLIFF** - In government you cannot be all things to all people. You have to make difficult decisions that are responsible and minimise the impacts on the community, particularly when it comes to cost-of-living measures.

### **Public Trustee - Update on Independent Review**

**Mr WOOD question to ATTORNEY-GENERAL, Ms ARCHER**

[10.42 a.m.]

Can you provide the House with an update on how the Government will respond to the independent review of the Public Trustee and what steps the Government will take to address the concerns raised?

**ANSWER**

Mr Speaker, I thank the member for Bass, Mr Wood, for his question and interest in this matter, as I know all members of the House have an interest in this matter.

First, I join the Premier in his sentiments and comments that our Government is one that is leading with integrity, is courageous, accountable and delivers on our commitments. We are 100 per cent committed to ensuring Tasmania is a place where everyone feels valued, included, encouraged and supported to be the best they can be. We are a government with heart: one that listens and one that responds. This strong focus is no more evident than in my portfolios and my commitment to the Tasmanian people that they will receive the essential services they deserve. This includes the essential services provided by the Public Trustee which we know interacts with some of Tasmania's most vulnerable people at the most difficult times in their lives.

Members would be aware that in response to the community concerns raised, I called for an independent review into the administrative and operational practices of the Public Trustee in June last year and appointed highly respected barrister Damian Bugg AMQC to carry out this important work. It was necessary for this review, known as the Bugg Review, to be carried out independent of government to provide the opportunity for issues to be raised and for appropriate responses to be identified so that we could implement necessary improvements to the way services are delivered. Today I am pleased to be delivering our Government's response to the Bugg Review which I will be tabling shortly.

As we have already announced, our Government supports in full or in principle all 28 recommendations of the Bugg Review and I am pleased to note that the Public Trustee also supports the recommendations. We all recognise that the Public Trustee is more than just a financial or accounting institution and that improvements are needed to ensure that its clients' needs, across the vast range of services it provides, not just that of financial management, are equally met. This is critical to ensure the community maintains confidence in this vital service, which is why our Government will do all that we can to assist the Public Trustee to improve the processes and systems in order to meet its statutory obligations and community expectations. Accordingly, the implementation of the actions and reform program to make the necessary improvements to better meet clients' needs and community expectations is already underway and is being carried out as a matter of priority within government and the Public Trustee.

As our Government response outlines, this work has a clear focus on delivering the following key elements: progressing a clear cultural and policy shift of the Public Trustee towards a human rights and supported decision-making approach to be embedded in the guardianship at administration legislative framework through the next tranche of significant legislative reforms; funding arrangements to support the implementation of the Bugg Review recommendations; increasing and strengthening oversight of the Public Trustee through a revised and updated ministerial charter that clarifies the Government's policy expectations and service delivery requirements for the Public Trustee; and supporting the Public Trustee in the significant work underway to progress improvements to its internal operational and administrative practices, reflecting the clear shift in focus to an improved and revised client and customer-centric delivery model.

A key element of our response, which I am pleased to be announcing today, is that the 2022-23 state Budget will provide \$4.3 million over four years to implement the review's recommendations and a further additional \$4.3 million over four years to meet the costs associated with the delivery of the Public Trustee's new community service obligations. This important funding commitment will support the transition of the Public Trustee to align with the actions detailed in our response.

Additionally, reforms to be progressed in the Guardianship and Administration Act 1995 will provide the legislative basis for the definitive shift to a rights, will and preference decision-making approach. This represents a distinct change in the way the Public Trustee and representative decision-makers understand and uphold their duties and functions under the act, moving away from the current best interests model.

In closing, I look forward to providing more details on this important legislative reform, which will involve providing an opportunity for the community to have their say and provide feedback on the proposed options for reform in the coming weeks. Implementation of the recommendations of the Bugg Review will be completed by the Public Trustee and the departments of Justice and Treasury.

I am confident that as a result of the Bugg Review and our identified actions as part of our Government's response, this will help resolve the concerns raised and assist the Public Trustee to make the appropriate and necessary improvements whilst continuing to deliver these important services for the Tasmanian community into the future.

Mr Speaker, I now table the Government response to the independent review of the Public Trustee Tasmania.

### **South Coast Track Luxury Lodge Development - Aboriginal Heritage Report**

**Ms O'CONNOR question to MINISTER for PARKS, Mrs PETRUSMA**

[10.48 a.m.]

On 10 March in this House I asked if you had an Aboriginal heritage report over the proposed south coast track luxury lodge development and whether it had been commissioned by the Government. You stated:

When we get the final RAA and undertake the assessments, the expectation is that Aboriginal cultural values assessments will be undertaken on each site, because that is the requirement for any development that would happen in the TWWHA.

In my hand is a right to information document that is 738 pages long with 658 pages, unsurprisingly, fully redacted. One thing not redacted, however, is a statement confirming that among the redactions is an Aboriginal heritage report that has been undertaken for this project. When you refused to confirm the existence of that report in this place, minister, were you misleading the House, or are you being kept in the dark about what is happening in your portfolio by your Parks secretary?

#### **ANSWER**

Mr Speaker, I thank the member for her question. In regard to what Ms O'Connor raised just now, the previous proponent, Mr Johnson, as part of his planning works to develop the required Reserve Activity Assessment process for the South Coast Track proposal, following a desktop assessment by Aboriginal Heritage Tasmania, the proponent engaged the services of a consulting archaeologist and aboriginal heritage officer to prepare an aboriginal heritage assessment report.

This report was provided to Aboriginal Heritage Tasmania for review following which Aboriginal Heritage Tasmania provided feedback to both the consultant and to the Parks and Wildlife Service, in relation to a number of issues identified in that report. But as I have said before in this House Mr Speaker, to date no final Reserve Activity Assessment addressing these issues has been provided to the Parks and Wildlife Service for assessment in relation to this proposal.

I note that any assessment by the Parks and Wildlife Service on the final Reserve Activity Assessment from this process will need to consider any impacts on aboriginal heritage along the South Coast Track. It is also important to note that the RAA process not negate the requirements for the issuing of a permit under the Aboriginal Heritage Act 1975, if aboriginal heritage was to be impacted. To date, as far as I am advised, there has been no application for a permit, and no permit has been provided by the minister in relation to this proposal.

I am advised that the new owner of the proposed Wild Bush Luxury Experience Pty Ltd is currently working on engagement with the Tasmanian aboriginal people and the Aboriginal

Heritage Council in relation to this proposal. In fact, Charles Carlow from Wild Bush Luxury had a letter enclosed in the RTI that Ms O'Connor is referring to and it states:

To whom it may concern, it is important to note that the Reserve Activity Assessment document released to you through the Right to Information request is dated. The information in this document was submitted to the Tasmanian Parks and Wildlife Service by the previous proponent, not the current proponent, in 2019. It was a draft in order to receive feedback on further requirements to meet the approvals process. No further work has been carried out since that time by the previous proponent.

In December 2021 Wild Bush Luxury, a division of Experience Co, took on the previous proponent's business and, through that purchased the South Coast Track proposal. We are currently working on the proposal, with our first priority being engaging with the aboriginal communities in Tasmania.

If you would like further information on the proposal, please feel free to get in touch directly on the South Coast Track at [experienceco.com](http://experienceco.com).

Yours sincerely,  
Charles Carlow

The new proponent has made it quite clear. He has been in the *Mercury*, and he has stated: 'One of our core values in respect for the environment we work in are the cultures that exist within that environment, and certainly from our perspective, we are at our core very much about working with local communities, working with indigenous populations and providing opportunities for them in partnership economically and socially.' As the secretary of the department stated on ABC radio earlier this year: 'Our expectation is that good consultation takes the form of co-design where the proponent sits down in the early stages of the proposal, and engages with Tasmania aboriginal people and the broader community -

**Ms O'Connor** - So, they have already approved it, basically.

**Mr SPEAKER** - Order, Ms O'Connor.

**Mrs PETRUSMA** - to discuss their aspirations, visions, possible job opportunities, or what other opportunities for involvement might look like. This is what the proponent have stated they are doing. So, Mr Speaker, our expectation is that full consultation will be taken with the aboriginal community, and that where required Aboriginal heritage assessment processes will be undertaken, as will any local, state and federal government processes.

### **Statewide Planning Scheme**

#### **Ms DOW question to the PREMIER, Mr ROCKLIFF**

[10.54 a.m.]

Rents for three-bedroom homes in Tasmania have increased by an average of \$170 a week, nearly \$9000 a year, since you came to government in 2014. Housing supply shortages are now causing enormous cost-of-living pressures for Tasmanians with median rents now at

\$450 a week for a three-bedroom home. Planning reform is critical to increasing housing supply across Tasmania. You have now been in government for eight years, and still have not delivered the Statewide Planning Scheme you promised in 2014. Are you still committed to a statewide planning scheme, and will you ever deliver it?

## **ANSWER**

Mr Speaker, I thank the member for her question. Of course, our government remains committed to our planning reform agenda and with the Tasmanian Planning Scheme now taking effect in local government areas across the state we are shifting our focus to the more strategic elements for our land-use planning system as well as commencing the preparatory work for the review of our regional land use strategies.

We are developing the Tasmanian Planning Policies which will articulate a suite of strategic policy ambitions and directions on matters of state and community interest, support economic growth and plan for the future needs of the Tasmanian community. They will provide a mechanism through which governments can consider and provide leadership on a broad range of complex and emerging issues, including population growth, demographic change, the pandemic and COVID-19 recovery, and climate change. The Tasmanian Planning Policies will contain the fundamental principles through which planning decisions will be made and future changes to land use considered. The strategic directions and policies of the Tasmanian Planning Policies will also be critical to the comprehensive review of our regional land use strategies.

Late last year we publicly released the Tasmanian Planning Policies Scoping Paper for a six-week period of public consultation and invited the Tasmanian community to a review with respect to a series of draft policies and to let us know what other issues and concepts the policies ought to address.

Our Planning minister has said that has been advertised today in actual fact. I am advised that more than 100 submissions were received from state agencies, key stakeholder groups and from the community, which is a great response. The submissions have been reviewed and a consultation report has now been published on the Tasmanian Planning Reform website and the State Planning Office has commenced drafting the full suite of Tasmanian Planning Policies with the intent that they will be submitted to the independent Tasmanian Planning Commission for exhibition and consideration during the third quarter of this year.

## **Budget 2022-23 - Road and Bridge Infrastructure**

**Mr TUCKER question to the MINISTER for INFRASTRUCTURE and TRANSPORT,  
Mr FERGUSON**

[10.57 p.m.]

Can you update the House on the Government's investment in road and bridge infrastructure, including the latest developments with the Bridgewater bridge project? How can this investment be contrasted with that of previous governments?

## ANSWER

Mr Speaker, I thank the member for Lyons, Mr Tucker, for his question and his interest in the matter. It would be fair to say there is interest in the matter from members around the Chamber, including those who had funds for this bridge but did not build the bridge. They spent the money on other things.

Investment in our road and bridge network is already at record highs, and our delivery schedule is 245 per cent more than Labor's last year in office.

I am really looking forward to tomorrow's Budget, where the Government will lay down its plan for the next period of economic growth and prosperity for our beautiful state. We will outline our new initiatives and how we will be supporting those with money from the public account. We will show how we will pay for initiatives, to keep people in work and continue the strong progress in our state and to see that continue.

**Opposition members** interjecting.

**Mr FERGUSON** - It is good to see you smiling, Mr O'Byrne.

In the budget that I will hand down tomorrow on behalf the Rockliff Government, funding for roads and bridges will increase to a massive \$2.7 billion over the next four years. That is a very big increase: a massive \$700 million increase, up 27 per cent from last year's budget forecast of \$2 billion. This is a huge funding boost. It includes the largest transport infrastructure project in the state's history, supported of course by the federal government, supported by the Morrison Liberal government, which has changed hands, and of course, under the Albanese Government, we will be working collaboratively, properly, with that government to ensure that that commitment is on it. I have no doubt it will be.

This is a \$786 million new Bridgewater bridge. In December 2021, both governments contributed a combined extra \$210 million into the project. This is about providing new grade separated interchanges at Bridgewater and at Granton, both sides of the bridge, to improve connectivity to the Lyell Highway, the Brooker Highway, to the Boyer Road, and of course, the Midland Highway. It also improves connections with dedicated shared paths to ensure cyclists and pedestrians can safely cross the river.

I was very happy last week when I was able to announce that the new Bridgewater bridge project did receive planning approval, in a milestone event, for the State's Planning System. Members opposite said it would not happen. One member from the opposite team said he would eat his hat if that planning approval was provided. Mr Mitchell may need a knife and fork. The project is the first to utilise this parliament's legislation for major projects approval, and thank you to minister Jaensch who pioneered that legislation on behalf of our Government, and thank you to members opposite for supporting that legislation. I will say that.

Over the three-year life of this project, we will see a new four-lane bridge built downstream of the existing Bridgewater Bridge, reducing congestion, providing more reliable travel times for the more than 22 000 people, who use that bridge every single day, and, of course the travel time reliability will be a big feature of this new infrastructure.

The need for the new bridge has been well established, and the notification about urgent works to occur this weekend is a very strong reminder that structurally that bridge is well past its use-by date. The new construction will support 830 jobs. Isn't that good for Tasmania?

Last week's planning approval, which we are all happy about, despite the mutterings opposite, means the project is on track to execute a contract with McConnell Dowell by mid-year, ahead of the start of major construction in the second half of this year. The new bridge will be open to traffic by the end of 2024, exactly as we have said before, with the overall project completed in the following year.

The roads and bridges funding over the next four years, will be made in every corner of our state. We will see the continuation of the \$565 million Midland Highway Action Plan, the \$350 million South East Traffic Solution which is going gangbusters between Sorell and Hobart. I was glad to be able to open the Sorell Bypass to allow a journalist to have a look at it. It is opening to traffic next month, and to open the new Hobart Airport Interchange Project to traffic earlier this month, which was, in fact, frustrated by members opposite.

I am thrilled with progress in the north-east of the \$120 million project for the Tasman Highway over The Sidling. We awarded a tender on that only -

**Mr SPEAKER** - If you could wind up please, minister.

**Mr FERGUSON** - Yes, Mr Speaker. There is so much good news, in every corner of the state, but it would be wrong not to point out the incredible progress that has happened west of Wynyard on the Bass Highway making the Bass Highway much safer, not just for commuters but for the heavy vehicle industry that is transporting minerals and primary production produce out of that incredible region.

I am excited about tomorrow's Budget. I am nearly as excited about Labor's alternative budget on the following Tuesday. I look forward to delivering more road and bridge projects for Tasmania.

### **National Rental Affordability Scheme**

#### **Ms HADDAD question to PREMIER, Mr ROCKLIFF**

[11.04 a.m.]

At 31 March this year, there were nearly 1200 Tasmanian households being supported through the National Rental Affordability Scheme (NRAS). As you are aware, NRAS will come to an end over the next five years with 167 Tasmanian properties to end by December this year.

You may also be aware of the case of Stuart Mansfield who has full-time care of his child with a disability. His NRAS rental property will soon move to the private market. Mr Mansfield cannot afford market rent. He has been told by Housing Connect that he faces a minimum wait of 72 weeks for social housing. He will soon be forced to live in his car, and as you would know there are many others in similarly distressing circumstances.

Will you guarantee that no Tasmanian NRAS tenant has, or will be, evicted from their current property into homelessness?

**ANSWER**

Mr Speaker, I thank the member for her question. Every Tasmanian has the right to have a roof over their head and we are delivering a record number of homes for those who need it. That is fundamental. We have committed a record \$1.5 billion investment into social and affordable housing and homelessness initiatives, including the election commitment of some \$280 million to extend the current building program of new public housing. This means we will build or acquire 10 000 social and affordable houses by 2032.

We are helping those most in need; creating jobs, growing our economy and strengthening our communities in every region. We have significant investment, when it comes to housing and housing affordability. The National Rental Affordability Scheme will gradually fulfil its obligations and the Government will continue to monitor this closely.

**Members** interjecting.

**Mr SPEAKER** - Order. Member for Bass, order.

**Mr ROCKLIFF** - It is important to note that via agreements with NRAS participants, the Government secured longer-term use of more than 75 per cent of dwellings in partnership with non-for-profit organisations which house students and vulnerable Tasmanians and will continue to do so for at least 30 years. The Government offers assistance to those who are eligible and encourages any Tasmanian who may be concerned to contact Housing Tasmania to see what assistance will be available for them in that situation

**Ms O'Byrne** - He has done that. He is living in his car tomorrow.

**Mr SPEAKER** - Order. Member for Bass, you were warned. If you do it again while the Premier is speaking, I will ask you to leave.

**Mr ROCKLIFF** - The Government has made changes to the Private Rental Incentives Program to enable tenanted properties existing outside NRAS to be considered eligible for assessment under the state-provided program.

I encourage those needing any assistance to contact Housing Connect to test their eligibility for that and other programs that offer a wide range of support and assistance. It is very clear to me and I have stated this many times: every Tasmanian has a fundamental right to be safe and have a roof over their head. No government has instigated more action than this Government has over the course over the last eight years and particularly, over the course of the last four or five years when housing affordability has become a very pressing issue for members of the community.

We will continue to be in the corner of vulnerable Tasmanians and those who need to be safe and have a roof over their heads.

## Floating Stadium Proposal - Justification for the Cost

### Ms WHITE question to the PREMIER, Mr ROCKLIFF

[11.08 a.m.]

As the incoming federal treasurer has said, 'we are in the middle of a full-blown cost-of-living crisis.' Yet, this morning, you implied Tasmania cannot afford to give nurses, teachers and firefighters a pay rise that keeps up with inflation. You said that 'new taxes are necessary; new water charges are necessary.' Just now you admitted that you 'cannot lift a finger' or you, 'will not lift a finger' to guarantee that residents of subsidised housing programs, including aged pensioners, will not be evicted into homelessness once their support program ends.

Given all of this, how can you possibly justify spending about a billion dollars on a floating stadium in Hobart?

### ANSWER

Mr Speaker, I thank the member for her question. You have put some massive, ridiculous spin on everything I have said today. I am absolutely staggered. Those listening outside this Chamber will also be staggered about the way that you have interpreted my answers today. It gives you no credibility when you pose a question like that and mislead the parliament and Tasmania. I am amazed. I do not know if it is all care -

**Ms WHITE** - Point of order, Mr Speaker. Your advice, please. I understand if someone is going to make an accusation like misleading, they need to be able to substantiate it. The Premier has no evidence whatsoever. I would argue that everything I said was true and he should prove otherwise if he wants to substantiate such an allegation.

**Mr SPEAKER** - It is not a point of order. There are opportunities for members, if they see fit, to rebut some questions either on the adjournment or if it is a personal reflection, straight after question time. The Premier was making a statement and he is allowed to do that.

**Mr ROCKLIFF** - I reject the premise of your question. I have made it very clear to all Tasmanians, including today, that we will always be in the corner of vulnerable Tasmanians. We have demonstrated that as a government over the course of the last eight years.

**Ms O'Byrne** - I can call Mr Mansfield now and say everything is okay?

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### Member Suspended

### Member for Bass - Ms O'Byrne

**Mr SPEAKER** - Order, Ms O'Byrne, member for Bass. You can leave the Chamber until after question time. You are constantly interjecting.

**Ms O'Byrne withdrew.**

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**Mr ROCKLIFF** - When it comes to housing affordability, to electricity prices, school levies, waived during the COVID-19 pandemic, some \$14 million of cost to the government,

but a good investment to support Tasmanians. Free sanitary items in all government schools, expanding the school lunch pilot; \$5 million for laptops and devices in schools, reducing the digital divide and supporting vulnerable Tasmanians. Increasing funding for emergency food relief and our first food security strategy, delivered.

Ongoing support to NILs Tasmania, funding for the family assistance program, the largest COVID-19 social and economic support package per capita in Tasmania. Double the ticket to play vouchers is another example. Delivering the lowest third-party car insurance premiums in the nation. Providing \$220 million in land tax relief, therefore putting downward pressure on those rental prices. Free bus travel in the five weeks of April. We have provided \$100 000 community service relief package.

Where we can support Tasmanians with cost of living pressures, we will do so. We have demonstrated that we will do so. You come in here, Ms White, and throw all sorts of accusations; all care and no responsibility. It is time you were responsible enough to deliver an alternative budget for the first time in eight years so that you can demonstrate to the Tasmanian people that the issues you pretend to care about are those that you actually care about.

**Members** interjecting.

**Mr SPEAKER** - Order. Member for Franklin, order.

**Mr ROCKLIFF** - After eight years in opposition, Tasmanians are none the wiser about your care and responsibility when it comes to the Tasmanian people. They know, given the support that we provided Tasmanians during the largest disruption in their lives throughout the pandemic and continue to do so in areas of Health, Education and Housing, we have clearly demonstrated that time and again and we will continue to do so. We are the only party, between the major parties, who are in the corner of vulnerable Tasmanians.

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### **Recognition of Visitors**

**Mr SPEAKER** - Honourable members, I acknowledge some students from the year 5 yellow group from the Lansdowne Crescent Primary School. Good morning and welcome to Parliament House.

**Members** - Hear, hear.

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### **Budget 2022 -23 - Third Family and Sexual Violence Action Plan - Progress**

**Mr WOOD question to MINISTER for the PREVENTION of FAMILY VIOLENCE, Mrs PETRUSMA**

[11.14 a.m.]

Can you provide an update on the Tasmanian Liberal Government's progress on the third Family and Sexual Violence Action Plan and the upcoming funding in the 2022-23 Budget?

## ANSWER

Mr Speaker, I thank the member for his question and for his interest in this very important matter. Every Tasmanian has the right to live free from violence, which is why eliminating family and sexual violence is a top priority for our Government and indeed this parliament.

First of all, I want to acknowledge and pay tribute to the courage of all victims/survivors of family and sexual violence and to also thank all those in our government and non-government sectors who assist victims/survivors of family and sexual violence in their most vulnerable time of need, and for their continued dedication and efforts towards our goal of a Tasmania that is free from all forms of violence.

This Government takes our role very seriously and this is why, since the launch of our first nation-leading action plan in 2015 and under our second action plan launched in 2019, the Tasmanian Government has taken a whole-of-government multi-agency approach and has invested over \$300 million in responding to family and sexual violence, including \$63 million for specific measures under our first and second action plans and the \$19 million in direct funding and \$59 million in indirect funding we spend to address family and sexual violence every year.

Whilst strong progress has been made under both of our action plans, we know that there is still much more work to be done, which is why our third action plan will build on what we know works and we will also include new actions to refine our efforts towards preventing and responding to family and sexual violence, while putting the voices of victims/survivors at the centre of our approach.

The consultation for our next action plan includes the Hearing Lived Experience Survey; establishing a victims/survivors advisory council; targeted workshops with a focus on diverse lived experience, including children and young people, people with a disability, CALD communities, rural and regional communities, LGBTIQ+ and older Tasmanians; partnering with Tasmanian Aboriginal community organisations and public written submissions.

Our aim is to provide as many opportunities as possible to hear the experiences and perspectives of the Tasmanian community and in particular the voices of victims/survivors. Therefore I am delighted that as at 24 May we have already received 640 responses to our online Hearing Lived Experience Survey and our social media advertising campaign has generated 1 225 118 impressions across Facebook, TikTok and Snapchat and reached 199 559 unique users.

I am also pleased to inform the House that in the upcoming 2022-23 Budget \$12.5 million has been allocated for the first year of our new five-year action plan which will be launched in July, a 40 per cent increase in the annual investment under our second action plan. One of the key priority actions in our new action plan will be a commitment of increased recurrent core funding for Tasmania's nine specialist family and sexual violence services with five-year contracts to provide greater certainty and increased operational capacity to respond to demand over the longer term.

We want to strengthen service delivery to ensure that Tasmanians who experience family and sexual violence have access to specialist services that meet their needs and circumstances. This is why services including Engender Equality, Huon Domestic Violence Services,

Relationship Abuse of an Intimate Nature (RAIN), Safe Choices, Yemaya, the Sexual Assault Support Service, Laurel House, the Australian Childhood Foundation and the Family Violence Counselling Support Service will receive this additional core funding with a total of nearly \$75 million to be provided for these services over the next five years. This new funding also meets the community budget submission request in full for Engender Equality, the Sexual Assault Support Service, Laurel House and Yemaya. To further assist victims/survivors of sexual and family violence, the 2022-23 Budget will also fund \$15.1 million over two years to pilot our new multidisciplinary centres in the north and south of the state.

On top of this, we are also investing \$3.7 million in the Budget to provide next-generation technology in instruments for our scientists, resulting in high-quality evidence for court proceedings, as well as increasing the capacity for storage of evidence, including sexual evidence kits. This means that victims/survivors can have their forensic samples taken, knowing that their evidence will be kept indefinitely until they feel ready to report to police. This is so important for a victim/survivor who is not ready to report to police at the time of the incident. Being able to retain these important evidence kits allows the victim/survivor to know their evidentiary material will be kept safe so that they can report to police at a time when they are ready and of their own choosing.

These and other measures in the Tasmanian Liberal Government's 2022-23 Budget will help ensure that we provide a best-practice sexual and family violence response in Tasmania that puts victims/survivors at the heart.

**Time expired.**

## **PETITION**

### **Restoring the Size of the Membership of the House of Assembly**

**Ms O'Connor** presented an e-petition signed by approximately 401 citizens of Tasmania praying that the House of Assembly be restored from 25 to 35 members to restore both the quality of government and the confidence of the petitioners in the Government in Tasmania.

**Petition read.**

## **MESSAGES FROM LEGISLATIVE COUNCIL**

### **Attendance of Legislative Council Minister at House of Assembly Estimates Committees**

**Mr SPEAKER** - The following message has been received from the Legislative Council:

The Legislative Council desires to inform the House of Assembly that it agrees to the request of the Assembly in its Message dated 24 May 2022 and has given leave for the Honourable Jo Palmer MLC, Minister for Primary Industries and Water, Minister for Disability Services and Minister for Women to appear before and give evidence to the relevant Estimates Committee in relation to the Budget Estimates and related documents.

C Farrell, President,  
Legislative Council,  
24 May 2022.

### **Subordinate Legislation Committee - Membership**

**Mr SPEAKER** - The following further message has been received from the Legislative Council:

The Legislative Council has appointed Mrs Hiscutt to serve on the Parliamentary Standing Committee on Subordinate Legislation, in accordance with section 3 of the Subordinate Legislation Committee Act 1969 (No. 44).

C Farrell, President,  
Legislative Council,  
25 May 2022.

### **Attendance of House of Assembly Ministers at Legislative Council Estimates Committees**

**Mr SPEAKER** - The following further message has been received from the Legislative Council:

The Legislative Council having passed the following Resolution now transmits the same to the House of Assembly, and requests its concurrence therein:

Resolved, that the Legislative Council having appointed two Estimates Committees reflecting the distribution of Government Ministers' portfolio responsibilities, requests that the House of Assembly give leave to all Ministers to appear before and give evidence to the relevant Council Estimates Committee in relation to the Budget Estimates and related documents.

C Farrell, President,  
Legislative Council,  
25 May 2022.

**Mr STREET** (Franklin - Leader of the House) - Mr Speaker, I move that -

That messages be considered forthwith.

**Motion agreed to.**

**Mr STREET** (Franklin - Leader of the House) - Mr Speaker, I move that -

That messages be agreed to..

**Motion agreed to.**

**OCCUPATIONAL LICENSING (AUTOMATIC MUTUAL RECOGNITION  
CONSEQUENTIAL AMENDMENTS) BILL 2022 (No. 27)**

**First Reading.**

**Bill presented by Ms Archer and read the first time.**

**MOTION**

**Leave to Move Motion without Notice**

**Ms O'CONNOR** (Clark - Leader of the Greens) - Mr Speaker, I seek leave to move a motion without notice for the purpose of moving the suspension of standing orders to debate the following motion during the Greens' private members' business allocation today:

That the House supports in principal restoring the number of seats in the House of Assembly from 25 to 35.

**Leave granted.**

**SUSPENSION OF STANDING ORDERS**

**Motion for Consideration in Greens' Private Members Time**

[11.26 a.m.]

**Ms O'CONNOR** (Clark - Leader of the Greens) - Mr Speaker, I move -

That Standing Orders 79 and 80 be suspended, to enable the following motion from being dealt with during the Greens Private Members' Business allocation today -

That the House supports, in principle, restoring the number of seats in the House of Assembly from 25 to 35.

By way of brief background, this is my error. I tabled a motion yesterday and forgot that we had already tabled the House of Assembly Restoration Bill, so our motion was well out of order.

I thank Mr Street, Mr Winter, Ms Johnston, and Mr O'Byrne for being so collaborative about letting us proceed with our private members' time today. I hope there is support for our motion.

**Motion agreed to.**

## MATTER OF PUBLIC IMPORTANCE

### Launceston General Hospital

[11.27 a.m.]

**Ms DOW** (Braddon - Deputy Leader of the Opposition) - Mr Speaker, I move -

That the House take note of the following matter: Launceston General Hospital.

I rise today to speak on this matter of public importance because it is just that - of public importance.

Today's topic is the Launceston General Hospital. I do not think there would be anyone in this place who would disagree that the current state that the Launceston General Hospital finds itself in is very concerning. This comes after years of underinvestment and under resourcing of the Launceston General Hospital by this Government.

The Launceston General Hospital has the worst bed block in the country, and that is disgraceful. The staff who work there deserve to be better supported, and they deserve to have additional resources to do their job.

The signature policy of this state Government at the last state election was a Launceston General Hospital master plan. That is where that announcement starts and finishes. There has been no money allocated to that master plan, and we know that this master plan is very important. We supported it ourselves. It is about improving patient flow through the hospital, increasing bed capacity across it and investing in new services to be provided from the Launceston General Hospital. Arguably, these are all actions that need to be undertaken now.

What is the delay with the master plan? Will we see the money in the upcoming Budget on Thursday? Will the Government commit to funding this masterplan and making the changes that are necessary at the LGH to make sure that it can provide the services that it needs, not only for northern Tasmanians, but north-west Tasmanians as well, who rely heavily on services provided out of the Launceston General Hospital?

It is a dire situation when our hard-working health professionals who want to be able to provide care for Tasmanians, are having to turn them away if there is not the capacity within their hospital to have additional patients admitted. What does that do?

It puts additional pressure on our ambulance service, which is already under enormous pressure. We spoke about the dire situation across our ambulance service on the matter of public importance only yesterday in this place, about the mental health and wellbeing of our ambulance officers and how this Government needs to do more to support them.

Right now, the ANMF has taken industrial action because they want to be heard more loudly by this Government. They want to have comparative salaries to other jurisdictions across the state. They want to be paid a COVID-19 allowance for the work they have done over the last two years across Tasmania, not just since this Government opened the borders, which has made their workload even greater across our health system. The minister and Premier today in question time says that he is working constructively with the health unions.

Why, then, has HACSU now launched a campaign that will lead to industrial action if they do not see more resources in the state Budget which will be handed down on Thursday?

When we look at what is happening at the LGH, the measuring stick that this Government has guided their success of their management of the pandemic since borders opened was around the impact on our hospitals. What we have before us right now is a significant impact. How are you going to manage it, Premier Rockliff? How are you going to make sure that the winter plan the Department of Health has put together does what it is intended to do and encourages Tasmanians to get the flu vax? Where is your large scale Public Health education campaign around flu vaccinations? Booster rates still are not high enough and the five to eleven-year-old vaccination rates are not high enough in the state. We need to do more to be encouraging people to get vaccinated and get their flu shot.

COVID-19 loves winter and we are going to see increasing cases in our hospitals. We are going to have a terrible year with the flu right across Tasmania. We need Tasmanians to be protected as much as we can against the flu, and part of that is about encouraging people to get vaccinated. That campaign by the state Government seems to have dropped off and I would like the Premier to explain why.

Earlier in question time we saw the Premier unable to justify why his Government would spend \$1 billion on a floating stadium in the south instead of spending it on health and housing, issues that are impacting on the daily lives of Tasmanians right now. Where is the merit in spending that money? The Premier certainly could not outline any today. Perhaps he might use this opportunity on the matter of public importance to do so, because I do not think his heart is in it when it comes to the floating stadium, and we want to see that money better allocated across our health and housing systems to address -

**Mr Street** - So narrow-minded.

**Ms DOW** - How do you justify it then, Mr Street?

**Mr Street** - Very easily. It doesn't have to be an either/or choice.

**Mr SPEAKER** - Order.

**Ms DOW** - Ask the bloke in Launceston who is going to be living in his car whether he can justify it. He is just one of thousands of Tasmanians. Ask the Tasmanian who is waiting for their knee to be replaced, who is living in pain every day and cannot sleep at night, impacting on their ability to earn a living, because they cannot work because of the terrible debilitating pain from their knee. Ask them whether they can justify it.

Mr Speaker, getting back to the Launceston General Hospital, I want the minister today to outline what his plan is to deal with that. It is simply not good enough that our health staff are having to turn away patients who cannot get access to care. With a COVID-19 outbreak on 5D, how is that going to be managed? I want to see a commitment from this Government that they will not just invest in information technology systems across the health system. It is bigger than that. We need to see a greater commitment, a greater priority from this Government on health funding and resourcing, and a wages policy for our essential workers in the Budget on Thursday. I ask the Premier to outline that.

[11.34 a.m.]

**Mr ROCKLIFF** (Braddon - Minister for Health) - Mr Speaker, I rise to speak on the matter of public importance in respect to the Launceston General Hospital. Our commitment to the master plan was evident in last year's budget, Ms Dow, our commitment to the mental health precinct, and we are committed to the \$580 million investment in the Launceston General Hospital 10-year master plan, which is extraordinarily exciting and the community has had a great deal of input into that master plan as well.

Our Government has delivered more funding, more staffing and more health services than any other previous government, and we continue to do so. Despite this, there are ongoing challenges in our health system, with demand continuing to increase in a COVID-19 environment and that includes the LGH.

**Ms Dow** - Nothing is improving for Tasmanians, Premier.

**Mr SPEAKER** - Order, Deputy Opposition Leader. You have had your say.

**Mr ROCKLIFF** - I became the Health minister last year and have had the opportunity to visit the LGH, including the emergency department, and have seen first-hand the pressures they are facing. I have been transparent about the demand challenges the LGH is facing and I have demonstrated this commitment by releasing the health dashboard data on a monthly basis, so we are held accountable as a government to the data and our waiting lists, emergency department response times and ambulance response times.

We welcome that transparency and that accountability. We have also been transparent about the current demand pressures leading to extended waiting times for ED presentations, with the secretary of the Department of Health issuing advice yesterday to encourage people with conditions that are not life-threatening and can be treated by a general practitioner to reconsider before attending the LGH emergency department during this surge period.

To meet this increasing demand, we have a solid plan for expanding and modernising our hospitals in a sensible and staged way to minimise the disruption during construction. We have released the implementation program to support the LGH masterplan, which sets out a road map for the redevelopment of the LGH precinct and is supported by our commitment of \$580 million over 10 years.

To respond to immediate pressures, we have a plan for utilising available district hospital beds as appropriate, in addition to the private beds contracted through the existing private partnership arrangements. Further, we are implementing a number of initiatives to improve patient flow at the LGH to reduce pressure on the ED. We have opened additional hospital beds, including a new 28-bed medical ward on 3D, which I highlighted yesterday in debate and I am advised this ward is operating at full capacity with the 28 beds open.

We have also opened four additional overnight beds in the LGH short-stay surgical unit, increasing its capacity from eight to 12 beds, operating seven days a week. We have already delivered 13 new beds in paediatric ward 4K and have had 14 beds at Calvary come online to support capacity at the LGH for patients who would otherwise have occupied a bed in our public hospital.

We have established a permanent patient flow team, 24-hours a day, including after-hours nurse managers and a full-time nursing director. This is on top of the patient transit lounge which enables the hospital to move quickly so it is possible to move patients who are ready for discharge out of ward beds more quickly and free up beds. We understand that successful patient flow is supported by the whole of the system and that is why we are embracing innovative approaches to keeping patients out of hospital by offering quality care in the community. Some of these examples I have raised before, which the Opposition does not accept -

**Ms Dow** - There is no money in the budget.

**Mr SPEAKER** - Order, Ms Dow. If you cannot sit there and listen to the Premier I will ask you to leave and you can listen to it on the screen outside this Chamber. You have raised the issue. The Premier is the minister and he is addressing the issues, so please do not interrupt him.

**Mr ROCKLIFF** - They do not like innovative approaches, unfortunately, but we have the Community Rapid Response Service or ComRRS program; the ambulance secondary triage services, which I have spoken about; the PACER initiative which has assisted 428 people in the first 15 weeks, with 74 per cent of people remaining in the community in terms of their care and not going into an emergency department situation.

With our COVID@ home Plus program, to 11 May 2022 some 15 302 people were cared for in their homes and was a significant contributor to Tasmania having the lowest rate of hospital admissions when compared to other states. As to GP and pharmacy after-hours, we have provided \$9 million to fund these initiatives as well.

Our staged implementation of the LGH masterplan includes a number of exciting new developments that will deliver significant benefits to the community and support the delivery of contemporary care and is informed by feedback from the community, staff, partner organisations and other key stakeholders.

The Launceston community can have confidence that the needs of emergency presentations will continue to be met with appropriate clinical prioritisation of emergency patients and I thank people for their patience and understanding should they experience longer waiting times for lower acuity presentations.

I do want to thank, finally, our hard-working staff across the Launceston General Hospital for their efforts and acknowledge the pressures that they are currently facing as the hospital manages this period of increased demand. I want to assure the northern community that the Launceston General Hospital is working to implement solutions to manage demand and that patient safety remains our focus as we work our way through this surge period. So, not only have we invested in more beds in terms of ward 3D, 28 new beds, the LGH master plan is incredibly exciting - \$580 million commitment over 10 years and of course our Calvary co-location is also a very exciting initiative which is working its way through the planning process as well.

[11.41 a.m.]

**Dr WOODRUFF** (Franklin) - Mr Speaker, there is no doubt that the pressure on staff in the Launceston General Hospital is extreme at the moment. It has been very serious for a

number of years, so much so that the Australian Nurses and Midwives Federation (Tasmania) had taken the Launceston General Hospital to the Industrial Commission to seek some justice for the hardship of conditions of staff who work there and to enforce safe workable ratios and staff numbers in the Emergency Department and in other high-pressure wards.

We cannot continue expecting that people who are working every day under such high pressures with patient loads that are building can and ought to continue to do that when it puts their own health and wellbeing at jeopardy. When it influences the health and wellbeing of staff, by having to often work double shifts, or who are called in repeatedly because the whole nursing pool is too small, then it means that it has a flow-on effect to patient care quality and patient outcomes and to potentially negative health outcomes for patients. This is well-documented; it is not a matter of speculation.

When nurses have to work double shifts it creates a similar physiological effect as though they had been drinking a number of glasses of wine. It is well-documented that the impacts of working when you are extremely fatigued do have an effect on your capacity to make clear and logical decisions. We are very concerned at the situation with nursing shortages and the ratios that nurses have to work under in Tasmania and we will look very closely at the budget to make sure it is being appropriately resourced over the next forward Estimates.

It is also important to recognise that the Emergency Department at the Launceston General Hospital is experiencing a significant level of acute demand because of the high numbers of COVID-19 cases and because of that people are being encouraged to reconsider the need to visit the Emergency Department. While it might be appropriate for everyone to consider that, when you have got people who are basically being turned away because it is under-staffed, it is a problem. We have also got an outbreak of COVID-19 on the 5D medical ward and it is now, I understand, closed to new admissions, with eight patients and two staff at the last notice about that, a few days ago, being COVID-19 positive. This is obviously a problem for the hospital.

I also want to reflect on the commission of inquiry and the situation at the Launceston General Hospital overall. We have had, in that hospital, the worst of all stories, and the worst of all experiences, that are unfolding through the gruelling testimony of victims/survivors and family members of victims/survivors at the commission of inquiry.

The question I asked the minister, and I appreciate him confirming that we have had allegations that a number of people who made formal complaints about staff with clinical responsibilities, and who have made complaints about the failure of hospital administrators to listen, and to act on complaints, whether those practitioners have been reported to the Australian Health Practitioners Regulation Agency. I asked the former minister, Ms Courtney, about this last year. It is really important that the minister puts on record if any of the nursing staff who are accused of not acting appropriately - allegations that are now under investigation in the commission of inquiry - if any of those nursing, clinical or administrative staff are still working in any way at the Launceston General Hospital.

There is a culture at the Launceston General Hospital, and there is no doubt about that, a culture which is something that has to be changed. The commission of inquiry is part of that process, but it has a long history. There have been allegations that were sent to me and Ms O'Connor and that we spoke about before the commission of inquiry which is why we pushed for a commission of inquiry.

In addition to the abhorrent behaviour actions of James Griffin there are a number of other convicted paedophiles who committed crimes of that type, and they did spend a lot of time and were indeed employed at the Launceston General Hospital, or in the case of John Wayne Millwood who was convicted of child sex offences as a Practice Manager at the Launceston Pathology, and Dr David Henty, also convicted of child sex offences, provided medical services to the Education Department.

It is concerning that there was testimony that was made in the cases of both of those men. Written testimony that was prepared by people in the Launceston General Hospital -

**Mr SPEAKER** - The member's time has expired.

**Dr WOODRUFF** - We need the minister to be clear that that culture is being attended to.

**Time expired.**

[11.48 a.m.]

**Ms FINLAY** (Bass) - Mr Speaker, I rise to make my contribution on this matter of public importance in regard to a facility in my electorate of Bass. It is a facility that serves not only our community but has a responsibility across much of the north of the state for not only members of our community that need to access health services, but, of course, the many people in our community who go above and beyond, day and night, often days and nights in a row, to serve our community as health professionals. At the moment they are struggling under the pressure.

When you wake up and you see an announcement that people are being encouraged not to attend the hospital because they fear their capacity to deliver great care to our community, you have to wonder just what is going on. This is beyond a crisis. These are dire circumstances where people in our community are being told despite all the best efforts of people working in our frontline services, our nurses, people providing care in our community, they are just not going to be in a position to be able to provide that care if you attend the hospital.

With pressure on the Emergency Department, sustained staff shortages, bed block and ambulance ramping, the time has passed to having staged, considered responses. Right now we need to have a government that is making committed and priority actions to support our community and also those people working in our community to support the healthcare needs of Launceston, Bass and northern Tasmania. As our shadow minister for health mentioned earlier, at the LGH in Launceston we have the worst bed block in the country. There are so many things in the history of Launceston that we have been so proud of, that we are the greatest at, that we are the most at, the best at, but to have the worst in the country at anything in our healthcare is something that needs the immediate and robust attention of this Government to address. That patients are being turned away but staff want to provide care and they cannot is a real reflection on this Government and its ability to deliver for Tasmanians.

There was a comment this morning in response to a question that I want to address. The Attorney-General said something about always delivering on their commitments. You would think in that role that only ever being truthful in comments would be important in the parliament, but the people of Bass know that this Government does not deliver on their commitments. As our shadow minister for health said, there was a signature announcement in the last election of \$580 million for the second stage of the master plan of the LGH.

I have been across budgets and budget commitments and elections for a really long time, having started at the Launceston City Council over 22 years ago. I know my way around a budget and I was gobsmacked to see the budget papers after this massive announcement, on the eve of an election, and there is a line that has four-year forward Estimates - dash, dash, dash, dash. You would never get away with that in the City of Launceston, making an announcement for a massive commitment in a community having zero dollars. The announced budget for this big project was \$580 million to bring in the votes, but then you have dash, dash, dash dash. That means zero dollars committed in the budget in the four-year forward Estimates for that project to be delivered.

That election was a while ago, early of course, so maybe it is going to take the Government a little while to get their act together on that, but you cannot make commitments to a community and not follow up and then expect them to think that they cannot come to the hospital this week because they are not going to be able to be looked after. It is a bit like the commitment around the Tamar Bridge, it is a bit like the commitment around the dredging - when are these things going to happen? A community needs to trust that a government will deliver on its commitment and at the moment there is no trust or confidence in the Government that they will deliver on their commitments.

In response to the announcement yesterday that people are being discouraged to attend the LGH, there is a whole range of comments on local social media feeds, and on my own feed, a member of our community this morning said, 'It's really scary, any of us are an accident or a diagnosis away from seeing the disaster from the inside'. I know that is anecdotal, but talking to nurses, a lot of them are fed up with double shifts and feeling guilty into working extra hours because of the lack of resources, and so many are wanting to change their career entirely.

We cannot have people walk away from this career. We are already struggling to get healthcare professionals in our community. We already struggle to get the people to deliver the support that we need in our community. We cannot afford for this to continue for our workforce and our community. We know there are challenges. We know that we have a small population that is widely dispersed, and one of the biggest challenges is that we have an ageing community.

I know the Premier and Minister for Health announced this morning that \$150 million will be in the Budget for digital innovation and suggested that perhaps on this side we do not believe in innovation. I can tell you I am one of the strongest supporters in Tasmania about the potential of innovation for our state. However, when you cannot get the basics right, you cannot cream on top of nothing with innovation. We need to make sure that the basics of the services, the support for our healthcare workers and the support for our community, is delivered through the Launceston General Hospital.

There was a comment this morning about wanting to work with the new Labor federal government, which is fantastic. Labor gets what is needed and thank goodness on Saturday Anthony Albanese, the now Prime Minister, committed to delivering urgent medical healthcare clinics across the country, and particularly one in Launceston. This is going to make it easier for people to attend when they have things that do not need to go to the emergency department, and that will be great because it will take pressure off, but we have needed these sorts of responses for a really long time.

Labor is also committed to cutting the cost of medications and to supporting nurses and the mental health of the people seeking to support our community. It is not good enough that we have a facility to deliver for northern Tasmania that cannot take people at the moment and is recommending and encouraging people not to attend.

I will finish on a positive note and say that after many years, with the support of federal Labor, we are going to be able to provide a hospice in northern Tasmania which will again take pressure off the ED, but this Government needs to get the basics right at the LGH in order that our healthcare workers can deliver for the community of Launceston and northern Tasmania.

[11.55 a.m.]

**Mr WOOD** (Bass) - Mr Speaker, the Launceston General Hospital and all our health services have continued to meet the increasing demand during the COVID-19 pandemic. Tasmania continues to have one of the lowest rates of admitted patients for treatment of active COVID cases compared to other jurisdictions. This demonstrates the value of having a plan.

There was significant health planning undertaken in the lead-up to the borders opening to ensure our health service was ready to respond to demands within the community. This critically included the rollout of a very strong vaccination program. The COVID-19 Preparedness and Response Plan also included enjoying an additional 1259 FTE health staff between July 2020 and March 2022, with further recruitment for new beds underway; increasing the bed capacity within the health system, gradually bringing on an additional 152 beds, as staffing allows; as well as significantly increasing our ventilator capacity and PPE and medication supplies.

While our hospitals have experienced pressures, due to our strong planning and effective escalation management in this area, health services have continued to function effectively during the COVID-19 pandemic. Tasmania has not experienced the same systemic pressures and disruptions we have seen interstate. Our strong efforts to plan and prepare for COVID-positive patients in our hospitals have been invaluable in ensuring that our health system was well prepared.

To ensure we were ready to respond to changing COVID-19 circumstances, the Department of Health put in place comprehensive COVID-19 escalation management plans that describe the operational actions to be taken by the state's major hospitals and related facilities, including the Launceston General Hospital.

The Tasmanian Health Service has three escalation management plans for the south, north and north-west, which includes a supporting district hospital response plan. The COVID-19 escalation management plans have guided the operational response in each of our regions to meet COVID-related admissions while continuing to meet ongoing non-COVID-related demand. As part of our plans, our hospitals have been able to transition to higher escalation levels where required -

**Ms Finlay** - You're better than this.

**Mr SPEAKER** - Order.

**Mr WOOD** - Staff in the community have been kept informed of the changing nature of the response with regular communication and with regular staff meetings with key personnel.

**Ms Finlay** - What do you say to your community about the LGH?

**Mr SPEAKER** - Order.

**Mr WOOD** - The COVID-19 situation in each of our hospitals continues to rapidly evolve. Where outbreaks are detected, arrangements are made to safely transfer infected patients to a COVID ward and undertake thorough testing of staff and patients. This, coupled with contemporary infection control practices, is designed to optimise care, reduce risk to our valued staff and patients and return initial outbreak areas to normal functioning as soon as possible.

Further, I am advised that the LGH is currently experiencing a COVID-19 outbreak on ward 5D. The outbreak management protocols have been implemented including closing the ward to new admissions. The outbreak is being managed in a timely and coordinated manner with well-embedded infection control practices and routine testing of all patients and staff to prevent ongoing transmission. The response was communicated in a timely manner to our valued staff and to our community. The closure of ward 5D is currently impacting on patient flows throughout the hospital and to respond to these pressures available district hospital beds will be used as appropriate, in addition to the private beds contracted through our existing private partnership arrangements in the region.

As per outbreak management protocols, incident management teams are convened to manage the cases and conduct contact-tracing. I am advised that although investigations are undertaken, given the current levels of COVID-19 community transmission it has been difficult to definitively identify the source of the current outbreak.

The effectiveness of the Tasmanian Health Service's COVID-19 management protocols continues to be demonstrated through its ability to rapidly contain transmission, minimise disruption to services and limit any preventable risk to patients, staff and the community.

Although an outbreak in any other of our facilities is of high concern, I am advised that earlier outbreaks in our health facilities have been brought under control and I do sincerely thank staff at the hospitals for their effective management of these cases during very difficult circumstances.

**Time expired.**

**Matter noted.**

**POLICE OFFENCES AMENDMENT (WORKPLACE PROTECTION)  
BILL 2022 (No. 15)**

**In Committee**

**Continued from 24 May 2022 (page 124)**

## **Clause 1**

### Short title

**Ms O'CONNOR** - I re-state that there is no part of the bill except for the repeal clause at the end that the Greens support, but we do have a number of amendments that we have flagged and circulated.

In relation to the bill's Short Title, the Police Offences Amendment (Workplace Protection) Act 2022, as I stated in my Second Reading contribution, this is not in fact a workplace protection bill, it is a corporate protection bill. I have had a look again through this amendment bill and also the principal act and I cannot find a definition of a workplace. Given that it is central to the title of this amendment bill, it is the minister's responsibility to define what a workplace is for the purposes of these amendments to the Police Offices Act.

**Mr BARNETT** - Mr Chair, it is very clear, as has been outlined in the second reading speech and during the debate on the second reading that we are talking about businesses all around Tasmania. I have made it clear that it is small, medium and large. The definition of a workplace is clearly understood in the community and I do not wish to add anything further to those points.

**Ms O'CONNOR** - I look forward to your contribution, minister. That is simply not good enough. This amendment bill is very broad in its scope. It seeks to capture protests that happen on public land, mineral tenements, on waters that may be polluting fish farm leases, in public forests and on public streets.

The minister does have a responsibility to lay out what the Government's intention is in relation to the definition of a workplace. I note that the minister has a number of advisers here today and I warn him that we can do this the easy way or the hard way. He has a responsibility to define what is a 'workplace'. It is not in the Police Offences Act and it is not in this act, which purports to be a workplace protection act.

I remind the House, given that this is the government's fourth crack at criminalising peaceful protest, that the original bill, the Workplace (Protection from Protesters) Act 2014, basically captured every part of Tasmania as a potential workplace for the purposes of the act. It is an indictment on this Government that that legislation still stands on the statutes despite being found to be unconstitutional by the High Court of Australia.

This is a matter that Labor should be interested in too, although we understand that they want to find a way to support this legislation, because they are as anti-environment as the Liberal Party. There needs to be clarity about what a workplace is, because it is in the title of the bill but not mentioned again in any of the amendments and it is not in the principal act.

The minister can try what he has done in here before. He is the worst offender in not answering questions that are being asked by members scrutinising this bill, but if he wants to do it that way we will be here to the small hours. We will exercise our rights on every clause. I encourage the minister to be open and to seek advice if he does not know himself about how broad the scope of this bill is, in terms of trying to capture work places, for the purposes of criminalising peaceful protests and peaceful protesters. If he does not know I encourage him to seek some advice from his advisers, who are here from the department and his office. I see

papers being shuffled in the advisers' box. I encourage the minister to get some advice on what the Government's understanding is of a 'workplace'.

**Mr O'BYRNE** - I do not necessarily agree with some of the commentary in the previous question but the point is well made. If the short title refers to 'workplace protection', the question that I have is that - minister?

**Ms White** - That is rude.

**Mr BARNETT** - I am listening.

**Mr O'BYRNE** - Okay, what did I just say?

**Mr BARNETT** - You stopped.

**Mr O'BYRNE** - Is it the intention that the penalties contained in this bill will only be triggered if a worker by the broader definition is involved in the dispute or in the transgression? Is it only in the conduct of someone's work? What happens if people are not working? What happens for people in other walks of life who are involved in an action that may transgress this? You talk about 'workplace' protection so you need to define what that means in terms of the title. It is important.

**Mr BARNETT** - Mr Chair, I appreciate the contributions of both members.

I outlined earlier, but let me give you some further detail of what is a 'business' or an 'undertaking'. They are the words used in the legislation. The term 'business or undertaking', is used in a number of pieces of legislation, including the Work, Health, and Safety Act 2012 and the terms remain undefined. Whether a person conducts a business or an undertaking is a question of fact to be determined in the circumstances of each case. I refer specifically to *SafeWork New South Wales v Fisher* (No. 3 2021) the New South Wales Industrial Relations Commission and note:

A business can be defined as an enterprise, usually conducted with a view to making a profit, and have a degree of organisation, system, and continuity.

An undertaking may have elements of organisation, systems, and possibly continuity, but are usually not profit making or commercial in nature.

In *Whittaker and Delmina Pty Ltd 1998*, Hansen J was considering the meaning of the word 'undertaking' in the context of the Occupational Health and Safety Act 1985, Victoria. His honour observed that the word 'undertaking' is not defined in the act and the expression is broad in its meaning, and it had been used deliberately to ensure that the section is effective to the duty it states.

I am sure we will have further opportunities as we go through the amendments to flesh out the purpose and meaning of those amendments, but in terms of the debate on the first title, that is what that response is all about.

**Ms O'Connor** - So, everywhere is a workplace? Everywhere.

**Mr O'BYRNE** - Then by placing those two words is it your intention to say the act of protest has to be connected to the activity of the person being protested against? Is it narrow? Or is it wide? If there is a protest in a Hobart street and there is a number of retail businesses in the vicinity and they are potentially impacted by a protest, do they then fall under this?

Does the act have to connect from the nature of the protest to the company that is being protested against? Or, can anyone take action or seek redress under this because of that definition?

**Mr BARNETT** - I thank the member for his contribution. I am sure that as we get into the detail in clauses 4 and 5 in particular, which provide better and more specific particulars around the legislation and the amendments to the Police Offences Act itself in terms of road obstruction and aggravated trespass, we can certainly flesh that out for you.

We are debating the title of the bill. Workplace protection has been a key objective of the Government since 2014 over three elections.

**Ms O'Connor** - Cannot even define a workplace.

**Mr BARNETT** - The Government intends to continue to prosecute that agenda and the very important objective to protect workers in the workplace and businesses free from interference and disruption.

**Ms O'Connor** - No questions from Labor on this issue?

**Mr DEPUTY CHAIR** - The question is - That clause 1 as read stand part of the bill. Those of that opinion say 'aye'. To the contrary 'No'.

**Ms O'Connor** - No.

**Mr DEPUTY CHAIR** - I did not ask for the -

**Ms O'Connor** - The noes have it, because there was no 'aye'. 'That the clause as read stand part of the bill', and you were mute, minister.

**Mr BARNETT** - No, can you put the question again?

**Mr DEPUTY CHAIR** - I will put the question again.

**Ms O'Connor** - This is getting off to a great start.

**Mr DEPUTY CHAIR** - The question is - That clause 1 as read stand part of the bill.

**The Committee divided -**

**AYES 19**

Mrs Alexander  
Ms Archer  
Mr Barnett

**NOES 3**

Ms Johnston  
Ms O'Connor  
Dr Woodruff (Teller)

Dr Broad  
Ms Butler  
Ms Dow  
Mr Ferguson  
Ms Finlay  
Ms Haddad  
Mr Jaensch  
Mr O'Byrne  
Ms Ogilvie  
Mrs Petrusma  
Mr Rockliff  
Mr Shelton  
Mr Street  
Ms White  
Mr Winter  
Mr Wood (Teller)

**Clause 1 agreed to.**

**Clauses 2 to 3 agreed to.**

**Clause 4**

Section 13 amended (Public annoyance)

**Ms WHITE** - We have already flagged in the second reading debate that we do not support this clause and I have had a conversation with Ms O'Connor, Ms Johnston and Mr O'Byrne, about opposing clause 4 in the bill. To make it very clear, Mr Deputy Chair, I have an amendment to circulate, which is to leave out the clause. It is very straightforward and I will provide a copy to you and I have copies for other members here.

**Mr DEPUTY CHAIR** - I have just been informed that you do not need to move an amendment to vote against it. You only need to vote against the clause.

**Ms WHITE** - Thank you, Mr Deputy Chair.

**Ms O'Connor** - I haven't seen that amendment.

**Ms WHITE** - I have just been instructed that we do not move to delete the clause, just vote against the clause.

The reason that we do not support this particular clause is that it could impinge on protest activity that as the Labor Party, of course, we fundamentally support. What we have found important to consider when examining this bill is how it protects workers in their workplace and keeps them safe. That has been the reason why in the second reading debate we expressed our support for the intent of the bill, which was to provide protection to workers in their place of work from activities that put them at risk or that could cause risk for protesters who were invading those workplaces, but we regard this particular clause, clause 4, to be unnecessary.

There were some statements made by the minister when he summed up on the bill last night that continue to demonstrate to us that this is unnecessary. The minister gave an example

where he referred to a police media statement that was made in 2016 that talked about two people being arrested and charged following a protest by Animal Liberation Tasmania on the Tasman Bridge, saying that two people climbed onto the gantry on top of the Tasman Bridge and hooked themselves onto the bridge whilst, I believe, another 20 to 30 protesters were on a walkway of that bridge waving placards. Those two people voluntarily removed themselves from the bridge following police negotiations, but the remainder of those protesters were allowed to remain on the bridge waving their placards.

The concern we have is that this clause 4 could extend to capture those types of protest activity, which is not the intent of this bill. There are already provisions in law that the Government can use, as outlined by the statement the minister relied on yesterday when he spoke about what happened on the Tasman Bridge to remove people from situations like that. Also in the bill before us is a new aggravated trespass provision that would give powers to the police such that if somebody locked onto a piece of machinery or they locked onto a truck, as has happened on Helilog Road, they would be able to be charged with those new offences that we are considering as part of this bill.

This particular clause is not necessary because it does pose the risk that it could infringe on the rights of people who are protesting for whatever reason or cause, and that is not something we can support. This is something that I know our shadow minister, Sarah Lovell, spoke again about with the minister this morning hoping to provide an explanation for the position we have taken on this matter but unfortunately those discussions were not able to come to a resolution that we found satisfactory, so we are going to be voting against this clause. I want to make that very clear upfront.

I understand that the Greens have a number of amendments to oppose the different paragraphs of this clause. Of course we will support those because that gives effect to the intent we are trying to achieve here too, which is to remove any risk that protest activity occurring on the streets or footpaths could be captured under this provision. There are existing provisions in law the Government and police can already rely on, as the minister explained in his second reading summing-up yesterday. We do not agree that these additional measures are necessary and for that reason we will not be supporting them.

**Ms O'CONNOR** - Ms White, that was pathetic. You come from a party which is founded on the right to peaceful protest and the best you can do is flag an intent to vote against clause 4, which is arguably the least offensive of the clauses in this legislation, although it is highly offensive. It allows for a person to be locked up for three months simply for exercising their right to peaceful protest, and the best the Labor Party of Tasmania in 2022 can do is to say they will vote against this clause in the bill, when there are other parts of the bill that jail people for up to 30 months, that jail people for 12 months and that in fact jail people for a longer period than you would get for loitering near children. Loiterers, in the principal act, if they are loitering near a building or an enclosed yard, can be subject to a term of imprisonment of six months, so loiterers get six months and under clause 4 someone can be jailed for three months simply for exercising their right to peaceful protest. I am glad we have a new federal government but you are both neoliberal corporatist captured parties and this legislation and Labor's support for it is emblematic of that.

Mr Deputy Chair, I want to rebut again the false claim that peaceful protesters who are trained in non-violent direct action are somehow endangering people. I note that at the Artec protest last Thursday, where you had people standing up against native forest logging because

we are in a climate emergency and these are our carbon banks, one of the activists, Celeste, was shoved over by someone on the site. A police complaint was made. We do not know if that person was an Artec employee but he proceeded to instruct the protesters to leave. This was a protest where citizens walked onto a woodchip mill. At the immediate entrance to the site, the mill's practice should be to shut down all operations until the police arrive. We have people in here who pay lip service to the prevention of violence against women, but if that woman happens to be a protester, apparently that is okay - no condemnation from anyone in government or the Labor Party.

It is absolutely untrue to say that peaceful protesters who are trained in non-violent direct action are endangering workers. It frustrates workplaces, sure, but if we did not have peaceful protests at the Triabunna Woodchip Mill, Tasmania could not beat its chest about being the most climate-positive state in the nation, because it is in part due to the closure of the Triabunna Mill that our forests were protected and we are now a national climate leader. Peaceful protests over months and years from people who recognised that what was being committed was a crime against nature and the climate. I despair about modern Labor, I really do.

I move our first amendment on this clause -

Page 4, clause 4, paragraph (a).

Leave out the paragraph,

This is the paragraph that extends the nuisance provisions in the Police Offences Act.

**Mr O'BYRNE** - I will give one contribution on this clause. I echo the sentiments of previous speakers around clause 4. I oppose clause 4. I foreshadowed this in my contribution last night and echo the concerns of others that this is the exact kind of overreach which drags the government into a political and a wedge environment where the debate over safe workplaces is lost because you are seeking to bring onto the statutes an overreach of what you are trying to achieve.

Public annoyance, public protests, peaceful public protests are a part of living in a democracy. People have the right to protest about whatever they see fit. They do it within a range of tactics and strategies. There are laws currently designed to manage that appropriately. There is no uprising in the community around the form of public protests that currently occur.

There is a concern about the workplace issues and that is what the government should be focused on. This clause is an overreach, trying to criminalise and punish people outside of a workplace and it goes back to my questions around the title of the bill, Workplace Protections. This public annoyance provision in this section you are seeking to amend, clause 4, is an overreach and it could potentially have significant consequences for a range of organisations taking reasonable and appropriate democratically-motivated actions in our streets.

This is the price of democracy. Yes, it is annoying. I have been involved in protests where people are caught in cars for a period of time and I apologise for the annoyance, but living in a democracy allows you to make that political point where you can undertake those activities because it enriches our society, educates our community and creates an opportunity for people through a contest of ideas to have better and broader societal outcomes.

I flagged yesterday that this was my concern. It is beyond the workplace. I asked a question earlier today that the definition of a workplace is important. This clause is an overreach. Whilst we are on the amendment from the Greens, I will echo the sentiments of the Labor leader and say that I will not be supporting it.

I contacted the Leader of Opposition Business last week about Labor's approach to this bill and had a brief conversation with shadow minister Sarah Lovell on this. I was not exactly sure that this was going to occur today. It was not for Ms O'Byrne to do that, it was the shadow. Having said that, I will support the position.

**Dr WOODRUFF** - On the amendment, what this part of this clause is seeking to do is seeking to expand under the Police Offences Act, section 13(1), the list of prohibitions for people in a public place, the prohibition to the right to free speech, and fundamentally that is what this part is doing. It is adding another sub-part, which will be to unreasonably obstruct the passage of vehicles or pedestrians on the street. Mr Chair, there is no doubt that this opens the door to the rest of the bill which is, at its essence, restricting the rights of citizens in a free democracy to exercise their constitutional right to free speech and to association.

It would mean that somebody who was standing in an inconvenient place outside Forestry Tasmania, for example, on a public thoroughfare, could be subject to up to three months imprisonment or could have the threat hanging over them of up to three months in jail. That is a substantial, chilling effect and there is no doubt that the sort of people who increasingly are putting themselves on the line, putting their hearts on the line for all of us, standing up for all of us, a safe climate, and protecting wild places, many of them are young people, and it is a huge burden to have this heavy-handed penalty completely out of proportion with the discomfort that the people are seeking to create to force us to come to terms with the fact the world is changing, and we have to change the way we do business.

Every part of this bill is a message to people who are wanting to stand up and do what they can to reverse the damage to our climate and to protect biodiversity, that you are going to be locked up, shut down, and not listened to. If the Liberals want to take a message home from the federal election, surely it should be that young people, people everywhere, will not stop and will continue to stand up and we have seen the effect of that at the federal election level, and that we welcome people taking up the opportunity to change the rapid-rate of global heating and we will not be supporting this clause. That is why Ms O'Connor has moved the amendment to remove it.

**Ms JOHNSTON** - Chair, I will be supporting the amendment. I note Ms White's comments regarding the clause and the concerns around this particular clause. As I said in my contribution yesterday, I have grave concerns about the vagueness of the language that is particularly in this clause, and the fact that we will be putting citizens in a situation where they will not know if they are potentially committing an offence until after they are charged with the offence.

I refer again to the submission from Australian Lawyers Alliance and, again, they have indicated that the inclusion of paragraph (ea), which we are talking about here as a new class of offence, would introduce the open concept of 'unreasonableness' in the obstruction. Whether conduct is unreasonable is typically interpreted by a court set to involve a value judgment, requiring consideration of all the relevant circumstances of the case.

It is undesirable for a person not to know whether or not their intended conduct amounts to an offence after they are charged, and the court has reached a decision about the reasonableness of such conduct. The chilling effect of this particular provision concerns me greatly, and I go back and support the comments that Ms O'Connor and Mr O'Byrne made in respect to the short title, that there seems to be a lack of clarity around whether we are linking actions to workplaces, whether we are talking about public spaces, and my concern is that if this bill should pass, that members of the community on a whole range of very reasonable, legitimate democratic processes will be concerned about speaking out. They will not be involved. I think of the example, for instance, of the lovely residents of Dynnyrne Road, who were very concerned about the demolition of their houses. If they had chosen to go out one morning on the Southern Outlet and stop the traffic because they are concerned about the loss of their homes, potentially this provision would capture them.

My thoughts were that that would be a reasonable action. They are about to lose their homes, they want to air their concern in a public way and send a message to the government. I believe that would be reasonable, a reasonable obstruction, but under this provision it is so vague that they potentially could be charged and then it would be up to a court at some later date to determine whether that was reasonable. The chilling effect of this provision would mean that they would then have to make that decision about whether they should speak up on an issue that is to the heart of their home, or be quiet. I do not want to see Tasmanians feel that they have to be quiet and not speak up because they are frightened of a consequence if they do.

I note that the minister, in his contribution towards the end of last night, talked about the concerns raised by a number of organisations about how this might impact on homeless people, and I take no comfort from what the minister said. This provision again talks about unreasonableness and obstruction. These are terms that are to be defined by a court upon reaching a decision on a charge and are not well understood in the community. I think of the man who is sleeping out on Main Road, Glenorchy at the moment, obstructing the passage of people along the footpath there in the mornings -

**Ms O'Connor** - That sounds unreasonable, Ms Johnston.

**Ms JOHNSTON** - Absolutely, Ms O'Connor. Could that be 'unreasonable' in the eyes of a court? I do not think it is. I would much prefer to see the man in a house, but that is his choice and at the moment he is sleeping out on the street. Could that be deemed to be 'unreasonable'? Could the business he sleeps in front of it take offence to this and ask that he be charged under this provision? That is the kind of consequence we are seeing here. I do not support this provision. When we have well-respected human rights organisations, community legal centres, Aboriginal centres, a whole heap of people who are there to protect vulnerable people in vulnerable places and vulnerable environments speaking up against this clause, because of its generic nature and its far-reaching consequences, then we should be listening.

I am not prepared to take the minister's assurance that the court will not interpret it that way. It is not good enough for us as legislators to say we hope the court will interpret it differently when we clearly have confusion about what a workplace is and how far a workplace extends. We are putting an awful lot of trust and faith in a court, at some point in time, to interpret what I consider 'reasonable', or what maybe the Dynnyrne residents might consider to be 'reasonable,' or the homeless man might consider to be 'reasonable'. I am not willing to do that so I will be opposing this clause and supporting the amendment, but as Ms White has suggested, opposing the clause in its entirety.

**Mr BARNETT** - I thank all members for their contributions to this clause and also acknowledge the amendments put by the Leader of the Opposition and the Leader of the Greens and indicate the Government will not be supporting either of those amendments. I would like to speak to some of those matters that have been raised. As I have said numerous times, unreasonably obstructing the passage of vehicles or pedestrians on a street is already an offence. Inserting it in express terms in the Police Offences Act provides certainty for everyone - certainty for the police and certainty for the community. I outlined yesterday some of the examples of situations that this clause is intended to address. I mentioned the Tasman Bridge, and I know the Leader for the Opposition has mentioned that, and Helilog Road on the west coast, MMG -

**Ms O'Connor** - The one you issued an illegal permit for?

**Mr BARNETT** - Helilog Road at Rosebery is another matter that has been raised.

**Ms O'Connor** - Completely unlawful permit.

**Mr BARNETT** - They are not hypothetical situations, they are real situations. They are real people, real workers, who have been impacted by this unreasonable conduct, in the view of the Government.

It is required to be both unreasonable and an obstruction, and these words have legal meaning. I have already outlined that 'obstruction' has a high threshold. I have talked about significant and substantial obstruction and the understanding of that in law. These elements need to be proved beyond reasonable doubt. It is jumping at shadows and is a misplaced concern to suggest that someone merely standing on a footpath with a placard or sleeping rough on the streets could amount to this offence. I raised that last night and I confirm it again this morning. The increased penalty is an important part of the amendment. There is little use having these provisions if the penalties are so weak they have absolutely no deterrent effect. I have already emphasised the amendments relate to the maximum penalty, and it will be a matter for the magistrate where on the scale the particular offending falls.

With respect to why obstructing a street needs to be included in section 13 and the argument from the Opposition and indeed others in this place that it is not required, there is an argument to ask why it is not covered by existing laws, such as nuisance? While it is possible for such conduct to constitute committing a nuisance, case law suggests that may only be the case where the conduct is a nuisance to the public, such as obstructing a street in the Hobart CBD, rather than a particular group of people, such as employees of a particular mine, travelling along a road or crown land that leads to the entrance of a mine, and I use the example again of Helilog Road.

Much is noted by the Police Association of Tasmania's submission received during consultation, and I thank them again for that. I quote from the bottom of page 1 into page 2 of that submission:

Previously we have relied on committing a nuisance, but technically for the offence to be made out, it needs to be a nuisance to the public broadly, which blocking a forestry vehicle on a remote forestry road could be argued did not.

I draw that to the attention of the Opposition, and those who are reading this in *Hansard*. There is clearly a view, which is the same view as the Government, that it needs to be improved and that is why we are reforming this particular section. Given the ambiguity, relying on 'committing a nuisance' may make it difficult for police to enforce the offence under the Police Offences Act and would have to rely on existing offences in acts. Such existing offences relating to the obstruction of public roads in other legislation, such as the Traffic Act, Road Rules and Crown Lands Act have lower penalties and are not subject to a power of arrest warrant. A power of arrest without warrant under section 13(1) is considered important to ensure timely removal of the person from the street and endure minimal disruption to businesses and risk to the safety of others.

While section 15B of the Police Offences Act provides a police officer with the power to direct a person to leave a public place if they are, for example, obstructing or likely to obstruct the movement of pedestrians or vehicles, it does not provide the police officer with a power of arrest; rather, it simply provides that a person who does not comply is liable to a fine not exceeding two penalty units.

I have raised the Helilog Road matter, and I cannot think of a better quote to make my point than to quote Dr Broad last night, where he expressed his concerns about the activists who were impeding and interfering in the workplace. I note the Leader of the Opposition saying, 'If they locked themselves up onto some equipment or a truck, that is covered under clause 5', and I note that. I see where you are coming from, but what you are not taking into account is obstruction on the road. It is where they stand on the road, either in groups or by themselves, to obstruct a vehicle. That is not covered under clause 5.

What is covered in clause 4 is the substantial or significant obstruction of the road. This has happened in recent weeks and months, on the west coast at Rosebery. We have had the Labor Party publicly complaining, accusing the Bob Brown Foundation and others of particular retrograde activity. Last night, we heard from Dr Broad and he said:

I also heard of a particular instance where a fully laden truck and trailer, a semi and a trailer were going down Helilog Road and saw a protester jumping out into the road, to stop the truck. The truck driver locked up the truck.

We are talking about a semi-trailer with a trailer locking up on a dirt road. This driver did whatever he could and did not run over the protester, but from all accounts it was close, only to see the protester go in between the trailer and truck and then lock on. Imagine if that road had been a little more slippery and the protester had gone under the truck. Imagine the mental health impact on the truck driver. That truck driver was impacted by that incident; he was very stressed by it and felt like he had almost killed someone that day. This is not something that is peaceful. This is not a peaceful act.

I note that is on the record last night. Clearly obstructing a road needs to be taken into account and this legislation and the amendment we have put forward, does that. I drew that to the attention of members last night in my summing up and I draw it to your attention again today with regard to the importance of clause 4.

Let us be reminded of the forest industry, the mining industry, the fishing industry, the salmon industry, the farming communities, businesses small, medium and large, all support this legislation. This is a question for the Labor Party and they have to answer that question.

I understand and acknowledge the Greens have been consistent all the way through. This was an opportunity and still remains an opportunity for the Labor Party to reconsider their position. To be clear, we will not be supporting their amendment and we will not be supporting the Greens amendment.

With respect to Ms Johnston's contribution, to confirm about the comments I summarised on the adjournment last night. I confirm absolutely: it is misleading to suggest that people experiencing homelessness could be prosecuted for sleeping rough. That is not accurate and nothing could be further from the truth. The term 'obstruction' has a legal meaning. It is a matter of common law. Obstructing requires a significant or substantial degree of obstruction. That is a very high threshold. I made that point previously and I make it again today.

I made the point last night that I am not aware and my department is not aware of a person sleeping rough being charged with either of those offences and I would suggest it is most unlikely. The relevant point being, realistically, it is difficult to envisage a situation in which a person sleeping on the street would significantly or substantially obstruct the passage of pedestrians or vehicles, even if it there was a case in practice. A police officer would be likely to use their powers to ask a person to leave the area or move to a safer location. I am advised that this is a normal course of events. Police do not charge persons sleeping on the footpath unless they become disorderly. That is my advice and I have every reason to stand by that advice.

I will leave it there and thank you for the opportunity to respond to those contributions.

**Ms WHITE** - In response to what the minister said now, particularly about the obstructions of roads, I draw to the attention of the House that there are already existing offences. Section 49 in the Roads and Jetties Act quite clearly provides a law for obstructing roads. It says:

(1) No person shall -

...

(f) in any manner whatsoever wilfully obstruct the use or enjoyment of any road.

And there are penalties associated with that.

The Government already has the power to deal with the instances that you have just outlined, but this particular clause has an overreach. Overreach is much greater than that, that we are concerned about. It is unnecessary. It does nothing to protect workers in their workplace. It is not required as a part of this bill to fulfil the intent, for which you say you are bringing this bill to parliament for. Unless of course, as it always is, it is just a wedge. Just remove the clause because there are concerns that are legitimate about how it could be interpreted in law.

There are provisions in law already to deal with obstructions to roads and penalties that can be applied in those instances, as well as the new provisions in this bill about aggravated trespass that would deal with anyone locking onto machinery. We have already expressed to you that we support that.

I cannot understand why you are being so obstinate about this particular provision, because it is not necessary. There are already provisions in law that deal with obstructing roads. Penalties can be applied, and this is just a signal of what the Government's intention could potentially be with this particular clause and it worries us to the point we will not support it.

**Ms O'CONNOR** - We know this minister has a problem with the truth. It is untrue to say that every business in Tasmania supports this amendment bill. More than 100 tourism businesses that signed to a letter calling on the Government to end native forest logging do not support this legislation. Anthony Houston has a very successful Tasmanian business, Houston Farm. He does not support this legislation. I encourage the minister not to misrepresent the business community in Tasmania, many of whom are quite alarmed about this Government's anti-environmentalism and its attempt to crack down on peaceful protest.

For anyone who is watching, if you want to understand how little difference there is between these two parties in this place, you need to look no further than the minister quoting Dr Broad. There is so little difference between these two individuals in their antagonism towards nature and people who are standing up to defend it, to the point where Dr Broad came in here yesterday and completely misrepresented what happened on Helilog Road at the MMG site. I remind the House while I am on my feet, on the record, that this minister Barnett issued an unlawful permit to Chinese state-owned company, MMG, over Helilog Road, identified as unlawful by the Bob Brown Foundation, and thank goodness for them. I do wonder if Mr Barnett has consulted Chairman Xi Jinping on this legislation, because I am sure that he would absolutely love it.

For the record, on the MMG site protest that Dr Broad completely misrepresented in his ongoing attempts to demonise peaceful protesters, the protesters were prepared and onsite with full safety gear and high-vis, awaiting a truck's arrival. The truck entered the first gate; protesters were approximately 50 metres away with banners on the road. The truck then stopped on the road. No running of any kind occurred as the protesters on the road already had their signage. The truck driver spoke with protesters about the size of the truck and the safety of the truck. There was no aggression present during the whole interaction on the protesters side or on the truck driver's side. There was a liaison from BBF who dealt specifically with the driver, ensuring safety and that he understood what was going on.

The engine was turned off. Safety was confirmed and protesters locked onto the middle bar of the truck. Why did they do that? To protect one of the most exquisite, rare and precious pieces of rainforest in the universe, a place like no other that we are the custodians of. The engine was turned off. The truck driver had positive interactions with everyone there, the protesters. He bought a coffee for young Rosie, who was the person who was locked on, and had a long conversation with them. The protesters on the day witnessed a wholesome and calm interaction with the truck driver.

I call on Dr Broad to stop lying about peaceful protesters and to apologise to these people he continues to demonise. It is completely unreasonable and dishonest for him to do so. These people are there for very good reason. They are there because they want to protect nature.

**Debate adjourned.**

**Sitting suspended from 1 p.m. to 2.30 p.m.**

## MOTION

### Restoration of Number of Seats in House of Assembly

**Ms O'CONNOR** (Clark - Leader of the Greens) - Mr Speaker, I move un-numbered motion -

That the House supports, in principle, restoring the number of seats in the House of Assembly from 25 to 35.

I indicate that we will call for a vote at the end of Greens' private members' time.

Mr Speaker, today we are asking for the House to provide in-principle support for restoring the seats in the House of Assembly from 25 to 35. The voices calling for the restoration of seats are numerous and diverse. After the 2018 election, federal politicians from all three parties - Liberal Senator Eric Abetz, Greens Senator Nick McKim, and federal Labor MP Julie Collins - called for reforms to see an improved pool of talent for ministries, with senators Abetz and McKim in a very rare unity ticket calling specifically for a restoration of seats. Voices in the Legislative Council have also called for restoration. This includes experienced legislators, former president, Jim Wilkinson, and former member of the Legislative Council, Greg Hall. Mr Wilkinson has stated: 'I do not think parliament has worked as well as it did prior to 1998'. I believe every member of this House would have to agree with that if they looked at the evidence.

Referring to the size of the House of Assembly, Greg Hall raised the question: 'Can a government team of at least 13 sufficiently run a cabinet, parliament, and dedicate time to committee and constituent work? Can an opposition sufficiently hold the government of the day to account?' As a House of review that sees the legislation we send upstairs, the Legislative Council has some insight into both parliamentary and executive disfunction.

Constitutional Society president Peter Chapman, award-winning political journalist Wayne Crawford, historian Reg Watson, the Tasmanian Chamber of Commerce and Industry, the Tasmanian Council of Social Services, corporate governance lecturer Tom Baxter, and political analyst Richard Herr have all voiced support for the restoration of numbers, as has most recently the House of Assembly's former Speaker, Sue Hickey.

I recall conversations with former Labor member for Lyons, David Llewellyn, and former Liberal member for Lyons, Rene Hidding, who were here at the time in 1998 when the seats were cut, who both expressed sincere regret at the reduction in numbers and therefore the diminishing of representation in the House of Assembly.

In 2020, representatives from Labor, the Greens, and the Liberals unanimously called on the parliament to pass the House of Assembly Restoration Bill of 2018 in a final report of the Select Committee on the House of Assembly Restoration Bill. To date, this House has yet to formally provide in-principle support. Today, we are asking each party in here to formalise their position, and the position of their respective representatives on the House of Assembly Restoration Committee, as well as the members present here who were not represented on the committee.

Discussions around reducing seats in the Tasmanian parliament began in 1983, the same year Bob Brown entered parliament on a countback following the resignation of Democrats MP Norm Sanders. In 1983, Liberal premier Robin Grey established an advisory committee which reported the next year. The Ogilvie Report recommended against any reduction in the size of the Tasmanian parliament.

The issue was again raised in 1993 following the breakdown of the 1989 Labor-Greens Accord in 1992. Liberal premier Ray Groom introduced a pair of linked measures: a reduction in the House of Assembly from 35 to 30 members, and a 40 per cent salary increase for the remaining MPs and, in a decision which dogged this House and everyone in it for years, these issues were untied during the parliamentary process and only the 40 per cent pay raise was passed into law.

Following this in 1994, premier Groom established a board of inquiry into the size of the Tasmanian Parliament which reported in June 1994. The Morling Report again recommended against any reduction in the size of the Tasmanian House of Assembly. The issue was again raised in 1997, one year into the Liberal-Greens minority arrangement with the defeated proposal for a referendum to reduce the size of parliament by removing a lower House electorate and reducing the size of the Legislative Council to 16.

Several models were floated after this point between the Liberals, ALP and Legislative Council. Eventually in 1998, the parliament took the politically-motivated and ill-advised move of reducing the numbers in the House of Assembly from 35 to 25 and the Legislative Council from 19 to 15.

The timing of all these proposals very clearly corresponds to periods when the Greens were at their height of their influence. To this day, this reform is used as an example of political collusion in political science courses. Labor and the Liberals colluded to reduce the size of parliament in order to try to eliminate us. In fact, during the debate in 1998, the late Liberal MP, Michael Hodgman, made no secret that it was his sincere wish that we be eliminated, wiped from the face of the political earth. This move - as demonstrated by the fact that Dr Woodruff and I are in this place, and I am standing here now reading this speech - did not work and another balance-of-power parliament was elected in 2010.

While the 1998 reduction in seats arguably has not achieved the objective of limiting the influence of the Greens, until the 2021 election they have quite effectively excluded independents from this House. Ms Johnston, my colleague, the member for Clark, is the first independent elected to this House in their own right since the 1998 reduction in the number of seats.

Comparisons are often made between Tasmania and the Australian Capital Territory which has a similar population and the same-sized lower House. However, this is a poor example for a number of reasons. The ACT has a geographic area that is just 3.5 per cent the size of Tasmania. The ACT is far less spatially and socially disparate than Tasmania which is a reasonable argument for needing less-broad representation. The ACT is also the seat of the Australian Government containing 37.5 per cent of the federal public service. Access to federal politicians, public servants and public services is far easier in the nation's capital than in other jurisdictions such as Tasmania.

The ACT is also a territory with historic structural differences to Tasmania. The ACT was not self-governing until 1988 when the Australian Parliament passed the Australian Capital Territory (Self-Government) Act 1988. The ACT has no constitutional protections or rights. It only has legislative power granted by the 1988 act, legislative power that can therefore be overridden by the Australian Government. As a result of the ACT Legislative Assembly's constituting document being the Commonwealth regulations, the ACT was not able to alter its own composition until amendments were passed in 2013. Subsequently, in 2014 the number of seats was increased to 25.

The choice of 25 seats for the ACT Assembly was made as a result of the analysis of an expert committee. The committee's preference was to increase the number of seats to 35. However, they were concerned that more than doubling the number immediately would not be appropriate. The expert committee recommended the ACT increase seats to 25 in 2016 and the act includes provisions to increase the number again to 35 in 2020, or failing that in 2024, but the act in the end did not include these provisions.

Looking more broadly than the ACT, there are 30 countries in the world structured as federations like Australia. Within these there are 574 sub-national jurisdictions, 496 of which have legislature data available. Those not included are the United Arab Emirates and Papua New Guinea which have no sub-national legislatures, and Sudan and South Sudan which do not have data available for their jurisdictions.

Tasmania's lower House is comparatively very small. The average size of lower House for states with a population between 400 000 and 600 000, like Tasmania's, is 45 members. Of the 75 bicameral parliaments across the globe, Tasmania has the third-smallest lower House, beaten only by two states in the USA, the Northern Mariana Islands and American Samoa. These states have lower houses of 20 and 21 seats respectively and populations of 54 000 and 56 000, or thereabouts, respectively.

Tasmania also has the seventh-smallest combined legislature of the 75 bicameral parliaments. The sixth smaller legislatures again include the Northern Mariana Islands; American Samoa; Chuuk, with a population of 55 000 in the Federated States of Micronesia; three states in Argentina: La Rioja, with a population of 380 000; San Luis, with a population of 495 000; and Corrientes, which is the only bicameral sub-national legislature in the world to have a smaller combined legislature than us with a higher population, at a bit over 1 million.

Looking at both bicameral lower Houses and unicameral parliaments, Tasmania has the eighty-fifth smallest out of 574 states. Of the 84 parliaments smaller than ours, the Economic Intelligence Unit only classifies three as full democracies - Yukon, Northwest Territories and Nunavut. All of these are Canadian states and have populations under 50 000 people. Of the rest, 18 are flawed democracies; 12 are hybrid regimes; 32 are authoritarian regimes, and 19 are unclassified due to being micro-states. Of the 72 fully democratic states, our lower House is ranked sixty-ninth in size, only larger than the three previously mentioned Canadian states with populations under 50 000 and tied with the Northern Territory and ACT here in Australia, which both have smaller populations.

It is also worth noting that Australian states have more responsibilities than average state equivalents in federal models of government. In addition, Australia's Constitution provides for one of the most extensive models of concurrent responsibility in the world. This means there are fewer areas where the state has no responsibility than in many other federal countries,

increasing the number of ministries required for effective administration. The bottom line is that by any measure our parliament is a very small one. It is too small. It should also be noted that even should we restore the numbers to 35 we will still be 10 seats short of the average size of state parliaments in our population range. This can hardly be argued to be too large.

Since 1998 we have ramped up the role of parliamentary secretaries. Prior to 1988 the only parliamentary secretary that the Parliamentary Research Service could find was then Liberal MP and former Liberal leader in 1996, Bob Cheek. During the terms after 1998, when the numbers were cut, the parliament averaged three parliamentary secretaries per term. It would appear that backbenchers have been increasingly co-opted for portfolio administration, further limiting the time available for quality committees and electoral work on behalf of their constituents, and that is arguably our most important work.

Regarding the models, some submitters to the select committee that we established proposed the establishment of a seven-seat five-member electorate model rather than increasing the number of members of our current electorates to seven. There would be significant drawbacks with this position. This would involve giving up the significant advantage of having the same state and federal electorates. This has administrative advantages and also serves to make it easier for constituents to have a clear understanding of who their local members are at both levels of government, as well as which electorates they need to vote in.

Part of what we learned from the 2021 joint Assembly and Council elections was that people in Tasmania have a clearer understanding of their electorates of Braddon, Bass, Clark, Franklin and Lyons than other electorates in Australia, and maybe it is something to do with Hare-Clark, but Tasmanians are a very politically educated and connected island community. Having seven seats with five members would also be costly and counterproductive to the intent of restoration.

The reduction of seats was intended to suppress the election of minority voices and yet here we are. The target was the Greens, but the reality is that it has affected representation from independent members more. Part of restoring the seats in the House is an acknowledgement that in a democracy, suppressing the will of the voters is just plain wrong; indeed, it is contrary to the objectives of Andrew Inglis Clark and our Hare-Clark voting system.

Cutting the number of seats in the House of Assembly was political engineering akin to the gerrymander of Joe Bjelke-Petersen's Queensland - where I grew up - and in the United States. In the same way, a decision to change the number of electorates for partisan advantage rather than simply reversing the 1998 reduction is an anti-democratic proposition. It would also place a huge administrative burden on the Tasmanian Electoral Commission. The majority of people who provided evidence to our select committee on this proposal ultimately favoured five seats of seven members. Ultimately, representatives from each party on the select committee did not support the seven-electorate proposition and that is because they listened to the evidence.

Although not explicit in the motion, it is our expectation that the House's in-principle support would implicitly align with the recommendations each party endorsed through the select committee in their endorsement of the 2018 bill. It is also in line with the agreement signed onto by then opposition leader, Will Hodgman, then premier, David Bartlett, and then

Greens leader, Nick McKim in 2010, where all three parties agreed that the House of Assembly needed to be restored to 35 seats.

The House of Assembly Restoration Bill was widely supported by submitters to the public committee process, as well as representatives from each party present in the Chamber today. Importantly, it was also considered perfectly functional by the Electoral Commission, which has not provided feedback on any alternative model, and nor has the broader public. The model proposed in the endorsed 2018 bill also has the advantage of reverting back to the pre-1998 situation in this House, which on top of being historically functional was recommended to be retained by a number of select committees prior to those changes in 1998.

Mr Speaker, I hope that members in this House can put aside politics to support this motion and ultimately support legislated restoration of the numbers. I believe that increasingly, Tasmanians recognise the need to restore the numbers in the House of Assembly. They recognise that this Chamber is too small to meet their need, and they recognise that they are short-changed on representation when so many government members either have to be ministers or have to serve on committees or have other very significant responsibilities in this place. Tasmanians have seen already one premier collapsing under the strain of his workload, they see ministers groaning under the burden of multiple portfolios, and in restoring the numbers we add an extra position to the Cabinet, which takes the pressure off hardworking ministers and the premier of the day.

I believe it is well past time that we agreed that the House needs to be restored. It would be wonderful, if after the election, we came in here to a 35-seat House where there was a deeper talent pool and backbenchers who could genuinely represent their constituencies. It would lift the quality of debate in this place. It would give talented new MPs an opportunity to shine in this place rather than being burdened with parliamentary secretary roles or ministerial roles when they have only been elected for a very short time, which is what happens now.

I commend this motion that the House give its in-principle support to restore the numbers in the House of Assembly to 35 to the House.

**Dr Woodruff** - Hear, hear.

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### **Recognition of Visitors**

**Mr SPEAKER** - Honourable members, while the Premier is coming to the lectern, I welcome everyone who is in the Gallery, and in particular the cadets and graduates from the Department of Natural Resources and Environment, formerly DPIPWE.

**Members** - Hear, hear.

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[2.50 p.m.]

**Mr ROCKLIFF** (Braddon - Premier) - Mr Speaker, I rise to speak on the motion on our in-principle support for restoring the number of seats in the House of Assembly from 25 to 35 seats.

Ms O'Connor has mentioned our former leader, Will Hodgman, Mr Bartlett, Labor leader, and the Leader of the Greens at the time, Nick McKim, in tripartisan correspondence, if my memory serves me correctly, with regard to support for restoring the House to 35 members. Our party has been open in support to increase the size of parliament. We have also said that it is not currently a priority of ours. We reflect Tasmanians' priorities right now. If you were to ask them, they would probably say that this is not a priority. They would mention health, education, housing as well as the vital job of improving safety for our children and women. Tasmanians would expect us to put those priorities first.

In the context of this debate, it also needs to be recognised that the next state election is not due until 2025 so there is no immediate need to address and rectify this today. However, I accept that we do need a very functional parliament and, importantly, a functional committee system. It is an important part of our democracy and the workings of the parliament, where members of parliament can have the time and the numbers and a tripartisan way of looking into matters that concern Tasmanians but might not be at the forefront of individual minds at any particular time.

Those committees that have been formed are constructive. I have been on a number of them in my 12 years of opposition. I was on the committee around the hemp inquiry and the need for legislation. I mentioned the joint select committee in the parliament yesterday - it was tripartisan including independents - when it came to providing recommendations to the parliament and the government around the establishment of the Integrity Commission. That was unanimously endorsed as I recall.

No member of this House can deny this report. It is a significant report that was diligently worked on by a number of members who are still in this parliament and some who no longer work within the parliament. The members of the committee for the House of Assembly Select Committee on the Restoration of Assembly (Restoration Bill) final report were Ms O'Connor, Ms Dow, Ms Hickey, Ms Haddad, Mrs Petrusma and Mrs Rylah.

It is a good insight into the breadth and depth of feeling within the Tasmanian community about how important this issue is when I see comments from the Chair of the TCCI, the Chair of TasCOSS at the time, Ms Goods; past members of parliament, Greg Hall, Julian Amos and many other contributors to this report. It is insightful and provides solid evidence of the need to tackle this issue. I see today as a step forward in that process with regard to this Assembly having its say.

We have always said on this side of the House when the time is right, parliament should be returned to its original 35 members. Ms White has made some comments with respect to these matters as well. I note Ms Dow, Ms Haddad, Mrs Petrusma, Ms O'Connor and others who have contributed to this report. Given the comments that I have seen publicly there is tripartisan support in this House to restore the numbers to 35.

However, I suspect this is not a popular issue in the Tasmanian community. I also believe while it is not a popular issue, it is increasingly an important one. It is time to begin the conversation. Ministers have large workloads. Those on the other side of the House who have been ministers would recognise that, but none of us come into these roles with any illusions. It is about large workloads. I suspect irrespective of the portfolio responsibility that each individual minister has, they would work to their ultimate capacity irrespective of the number of portfolios and do a really thorough job.

It is not just those in this House who I believe would, in principle, support this issue, as we are debating on today. I have mentioned external stakeholders, including the TCCI, and TasCOSS.

The final committee report into the restoration bill found that the reduction in the number of members in 1998 eroded the underpinning purpose of the Hare-Clark system which is to achieve proportional representation. I know there are differing views on the Hare-Clark system. Nonetheless, the reduction in the numbers undermined, eroded, the underpinning purpose of the Hare-Clark system, which I believe many Tasmanians would support and understand.

The diversity of interest within the Tasmanian community would be better represented in a restored House of Assembly. The reduction in the number of members of the House of Assembly has reduced its capacity to undertake its parliamentary function, particularly in regard to timely forums for parliamentary committees, as I and Ms O'Connor have spoken about and no doubt others may do so today as well.

The report specifically notes that senior political figures and former members of parliament from across the political spectrum agree that it was a mistake to reduce the numbers in the House of Assembly. I have said, and I will say it again today, and after today, our priorities as a Government are focused on strengthening Tasmania's future and making Tasmanians' priorities our priorities. We are about improving outcomes in health, housing, education and keeping Tasmanians safe, and taking action on the cost of living while also investing to continue the growth in our economy which has occurred under our Government since 2014. They will always be our priorities and should be the priorities of any government. These are the priorities that we, as elected representatives have.

We are here on a daily basis, go to functions, correspondence we receive, social media that we look at - for those that do -

**Mr O'Byrne** - It's only to read the comics, mate.

**Mr ROCKLIFF** - I have learnt that, well and truly. Walking up the street, people will always have a crack, maybe, but ultimately they want a conversation about the priorities in a very respectful way, whether it is our education or our health system.

When things need fixing, like the restoration of the numbers of the House of Assembly, we need to have the courage to fix them. This issue has probably been debated since 1998. Ms O'Connor mentioned a couple of people in the parliament at that time who would publicly and certainly privately say that it was a mistake to reduce the numbers in the House of Assembly. This is one of those issues that we have long supported in principle. I believe it is time to outline our intention to take action once and for all. It is too an important issue. It will not be a popular issue for Tasmanians but it is the right thing to do.

I confirm that the Liberal Government, and I as Premier, will, before the end of the year, introduce a bill into this House to restore the numbers of parliament from 25 to 35. This will come into effect at the next state election.

Ultimately, government and all the work that we do in this place is not about popularity. We all recognise the need for this to happen. We all say it privately, I know we do, and

sometimes you have to have the courage of your convictions and do what is right. That is exactly what we will do because ultimately this is about ensuring that the Tasmanian parliament not only most effectively represents our constituents right across Tasmania, right across our regions in every electorate, but the Tasmanian parliament remains in the best possible shape to deliver the best possible outcomes for all Tasmanians. I support the motion today.

**Members** - Hear, hear.

[3.02 p.m.]

**Ms WHITE** (Lyons - Leader of the Opposition) - Mr Speaker, I thank the speakers who have spoken already. I am interested to learn that the Government has decided to take this decision and the Premier has made the announcement during private members' time. It is nice when you can have a debate on a motion in this House and actually get some answers, so thank you.

**Ms O'Connor** - And a total surprise to me, I have to say, that legislation will come into the House before the end of the year.

**Ms WHITE** - Yes, maybe this is the new way of doing things, and it is refreshing.

I was interested to hear Ms O'Connor's contribution. I enjoyed learning about the history of this place that we represent our community in and the different conversations that have taken place over the last 30-odd years, and the work that went into that committee report which my colleagues Ms Dow and Ms Haddad, were representing the Labor Party on. I know there was a lot of evidence received throughout that process that led to the report being a consensus report, which also speaks volumes on how parties have been feeling about this issue for some time.

It is true to note that in 2010 the then leaders of the respective parties represented in this place agreed that the House should be restored to 35 members. It was something that the then Liberal leader, Will Hodgman, went back on, I have to say, when there was a Labor minority government elected. I believe he saw a political opportunity to walk away from that and play some politics. Here we are 12 years later and the Premier, who was the Deputy Leader of the Liberal Party at that time, has announced that the Government will be taking action to bring in legislation to the parliament this year. It has taken 12 years for the Liberal Party to do what they said they would do.

Hopefully that is not a pattern for future behaviour if it is going so long to get action on things like this when promises are made. However, I suspect that across Tasmania as this news breaks it will be of great interest to our community to understand that the Tasmanian Government has decided that they will introduce a bill of this nature. It is something that many people across our community have a great deal of interest in. There has been a lot of public discussion about this topic for some time now. It is true to say that the Labor Party has supported in-principle the restoration of this House to 35; it has been our position for more than a decade now. We will wait to see the detail of the bill that the Premier has outlined will be tabled later this year to see how the Government intends to achieve that objective to restore the House to 35.

Ms O'Connor spoke about seven electorates of five or whether it would be five electorates of seven, or whether there will be some other makeup. We are waiting to find out more

information from the Government about what their intention is with respect to how they might restore the House to 35 members, but I can express our support for the restoration to 35 and our support for this motion before the House today.

I will reflect on the course of the last five months, in particular on the state of government here in Tasmania, which really has been a catalyst for the conversation we are having. The community has really escalated this as an issue they want to talk about because of the instability of this Government since the beginning of the year, with the resignations of ministers and the resignation of former premier, Peter Gutwein. I believe it is largely for these reasons that this issue has become topical again this year.

It is because of the instability of the Government, the changes we have seen in the leadership of the Government and the chaos at times of decision-making of this Government, which has meant that the community has really started to question whether we have enough members in this place. When I have been asked about this in the media, my response has been a little tongue-in-cheek, Mr Speaker, but reflective of the circumstances in that it would not matter how many members of parliament we have, the fact is that the Liberal Party is churning through them at a pretty rapid rate at the minute. That has been very destabilising for our community and for the agencies that are working to ministers, as well as the stakeholders who do not know who their minister is going to be, given some of them have had a change of portfolio a number of times just this year alone.

Even with a restoration to 35, and if that includes an increase in the size of Cabinet from nine to perhaps 10, which I believe it used to be, it still will not go as far as some people might expect in reducing the workload of ministers, which has been spoken about as of concern to people. Those portfolios will still need to be shared across that Cabinet, whether it is nine or 10. I would be surprised to see if it was expanded to be any greater than 10, but maybe the Government has a different idea about that. We will see when they table their bill.

The workload across ministers will continue to be very great; however, the work in the parliament will be better shared across the backbench. From my time in government, when I was on the backbench, there was a period where I sat on eight committees. The parliament at that time, given the make-up of their numbers in the House, had a very active committee system. We had standing committees that this Government has abolished. There was a standing committee on community development and others and those committee structures have been abolished by this Government. Now we just have opportunities for select committees to be established, which as we know relies on the numbers of this House to support that, and the Government has the numbers.

I believe government backbenchers should be a little relieved to know the Government has protected you in large part from the committee obligations that previous members of this place had responsibility for. In saying that, I am not saying that is a good thing, I am saying that what that means is the community misses out because those committees play a very important role in highlighting certain issues from time to time. It is disappointing that the Government has abolished those standing committees because now references that would have previously been sent to those committees to be examined have to be supported by the majority of this House in order to be successful and many times the Government votes them down.

I do not want to pre-empt an order of the day but there is an opportunity to test that in our private members' time today when we will be seeing whether the Government is agreeable

to the establishment of a committee to look at the cost of living in Tasmania, which we believe is a significant challenge confronting our state, where in the past a standing committee could have decided that they themselves were going to investigate such a matter. That is no longer an option available to members of this place. I hope that with the restoration to 35 we could see the re-establishment of those functions of this House as well, because that would provide greater transparency for decisions of government but also hopefully greater engagement for our community in the work that we do in this place on their behalf.

Mr Speaker, I will conclude my remarks there because I am sure there are other members who wish to also make a contribution. I will wrap up by saying that we support the motion, we are pleased to hear the Government and the Premier make a firm commitment but, of course, we will wait to see the detail of how you seek to achieve that.

[3.11 p.m.]

**Ms JOHNSTON** (Clark) - Mr Speaker, I will keep my contribution short because I am sure there are other members who would like to speak to this. I am excited to have seen what I have just witnessed: parliament working together to achieve better outcomes and enhanced democracy. I take a moment to thank the Premier for his announcement this morning and to give full credit to Ms O'Connor, the Leader of the Greens, and to Ms White, the Leader of the Opposition -

**Ms O'Connor** - It is cooperative politics.

**Ms JOHNSTON** - for doing this - yes - for bringing this on and having this important discussion. Obviously, it was a great honour to be the first Independent elected to this place since 1996 when the numbers were reduced, and there is a whole history around that.

In my contribution I acknowledge that there was some belief for a while that increasing the numbers in parliament is unpopular in the community and conversations used to be: 'Well, who would want more politicians?'. We are up there with real estate agents and the like in terms of professions. I believe we are quite a wonderful profession but that was the common commentary in the community at the time. Increasingly when I go out and about and talk to members of my community about what their priorities might be, they talk about health, housing and education. They talk about some of the barriers to making progress in those areas.

One of the things they talk about is the lack of numbers in parliament. They are genuinely surprised when they learn the number of portfolios that ministers have: 'How can they possibly be across such huge numbers? How can they possibly be diving deep into their portfolios and tackling some of the important issues?'. For them, it is a high priority that we increase the size of this parliament because they want better outcomes, they want more representation, they want more minds and approaches and voices coming to solve some of those really difficult problems that we continually have to deal with. Again, it goes to the work that committees do and that have more participation in committees - more committees delving into those really difficult and challenging issues.

Mr Speaker, I will conclude my contribution there and say how wonderful it is to sit here in this Chamber today and see everyone working for the greater good to enhance democracy and to make sure that, as a parliament and as a state, we can tackle some of those bigger issues.

[3.14 p.m.]

**Mr O'BYRNE** (Franklin) - Mr Speaker, whilst I share the optimism, it is always the detail that we need to watch. I share in the spirit of the debate that this is quite a significant moment in the parliament's life and in democracy in Tasmania, and it should not be lost that this has been a passionate issue for many people.

The Greens have held this view since the decision back in the late 1990s to reduce the size of parliament. I know in my experience in the parliamentary caucus and prior of the Labor Party and prior to that as a member of the party, this issue was probably from the mid-2000s onwards strongly debated inside the Labor Party, reflecting the debate inside the community. I know the former premier, and the former leader of the opposition, Will Hodgman in 2009 and 2010 - I think other speakers have spoken about the process of that debate and the discussion around at that time - said that this is an issue that has been one of the most difficult ones to come to terms with. As people have said, more politicians are not popular. However, what is important is a functioning democracy and in the Westminster system having a functioning parliament where people are able to represent the views of their local community, engage through the committee process and really enable the House to critique and cross-examine policies and issues, contemporary issues in our community. Having a functioning committee system in this Westminster system is important.

Around the time when I was a union official back in the late 1990s, everyone was angry about the wage increase and the popular thing to do was to have a crack at politicians. There was a decision taken by the parties at the time to make that change. At the time it was politically popular but it did damage the state of democracy in Tasmania and I think, upon reflection, even those people who were involved in those discussions and decisions at the time have reflected on that and have acknowledged that that was not the right thing to do.

I acknowledge the bravery of the Premier. This is not an easy thing you have just done. I acknowledge that you have not done it lightly and I know, as you have said, we have all had private conversations around the state of the House and the numbers and the functioning of this place. What you have done is brave - and I do not mean it in the *Yes Minister* 'courageous minister' sense. I mean it in that you are doing it in the best interests of Tasmania. I know back in the time it was popular to kick politicians. Everyone is right - if there is a difference of opinion on the major parties on this issue it was never going to be broken.

The Leader of the Opposition, Rebecca White, has said, 'Let us see the detail,' and I think we all provide that caveat, 'let us see the detail,' but I believe, in principle, there is broad support across this House for this announcement and to work through what has been a very prickly issue and I know, as I said, back in the late 1990s and early 2000s it was the popular thing to do.

Moving forward, when I was elected to this House in 2010, I was actually sworn into the ministry before I was sworn into the parliament. To be honest, I had only seen parliament from up there. Rarely would I come down into these seats. I did not really have a great understanding apart from a rudimentary understanding of the functions of this House. I should not have been put in that position. I am not saying that anyone who gets elected should not get access to a ministry. I believe it is on the merits and the parties will make their decision on who is best to hold those executive positions. However, I did not have the opportunity to be a local member, I did not have the opportunity to engage in the processes of the House.

That made it difficult for me to be the minister that potentially I wanted to be and fully understand, because as soon as you are elected, I remember coming back from Government House, being sworn in before even standing in this place on the Floor and being given a whole range of briefings and portfolios and decisions to make. It was quite a heady time. I am not saying that I made the wrong decisions, or that I was inexperienced in that. I think I made good decisions but upon reflection I would have enjoyed an opportunity to be a good local member and be able to spend time in the electorate, and also have time to understand parliamentary process, because better decisions, broadly, not just in my portfolio, but as a parliament, could have been made.

I remember at the end of my time in 2014, my staff added up the hours and because I had five or six portfolios, I had spent 80 hours a week away from home. That is not taking into account the fact that you sit at home, studying, reading Cabinet documents, et cetera. The time you commit to being a politician is something you do not appreciate until you do it. The time you commit to being a minister in a government you do not really fully appreciate until you are in it. It is significant and it is important and it needs to be given credit. I know, having a Cabinet role, being able to have the experience of being a local member and just being a local member, and being on the backbench, and being a minister and being pressured by the backbench on certain issues, it actually forces greatest decision within Government and within the Cabinet process.

Extending the parliament to 35 does not fix the issue with Cabinet necessarily. That is a separate discussion to have but the people that you have and the resources you have in government and in opposition to respond to that gives you more flexibility. Having only two or three people on the backbench to sit on all of these committees is not fair on that parliamentarian. It means that the committee system does not work to the extent that it should in terms of the rigorous contemplation of issues that it should allow, so this is a massive step forward.

I acknowledge and I support the motion in principle. Of course, the caveat is let us see what the legislation says. I congratulate -

**Ms O'Connor** - Let's keep it simple.

**Mr O'BYRNE** - Absolutely, let us not stuff this up. Premier, I acknowledge your leadership on this. Overwhelmingly, whilst there will be cat calls and you will have the obvious people having a crack, I believe this is the right decision for a Westminster Parliament to have the critical mass of parliamentarians to make it function and work in the best interest of the Tasmanian people.

I support the motion and I look forward to debating legislation. I congratulate the Premier for doing it in this way. There are a whole lot of other ways you could have announced this but the fact you have done it in this way is a credit to you. I acknowledge that, and I support it.

[3.21 p.m.]

**Ms HADDAD** (Clark) - Mr Speaker, I will also make a very brief contribution. I was not expecting that time would allow but the way that the debate has gone allows me to make some brief observations of serving on that committee that occurred in the last parliament that has been mentioned by other members as well.

It was probably the most collaborative and refreshing experience that I have had so far as a member of parliament. The committee membership changed a little bit over the course of the committee. It was chaired the Leader of the Greens, Ms O'Connor. Ms Dow and I were the representatives from the Labor Party. The final make-up of the committee of the Liberal Party representatives were Mrs Rylah, Mrs Petrusma and Ms Hickey.

As others have said, it was a consensus report. It genuinely felt like we were hearing best practice, were hearing the evidence of what happened when the Chamber's size was reduced from 35 to 25, and hearing about the changes that had occurred since.

The committee heard evidence from leaders of all three parties. We had the former Liberal leader present evidence; a former Labor leader; and a former leader of the Greens. All of them acknowledged that reducing the size of parliament has had a detrimental impact to the functioning of the parliament. We heard the kind of things that have already been mentioned in this debate. The work of the committee system is entirely different now from how it was when the parliament's size was bigger. The work of Cabinet and ministers has been fundamentally altered, and the role of the backbench is fundamentally different with a smaller number of people in this Chamber as well.

Honestly, when some of the evidence was being presented, it felt like they were describing a much more pleasant time to work in a parliament. It sounded like there were more opportunities for committees to form to really scrutinise legislation in a way that meant that that legislation was the best it could be to serve the Tasmanian people.

What we have seen in this parliament and the one prior is quite often very complex legislation is presented on a Tuesday for debate on a Thursday, which simply does not give the opportunity to the opposition and crossbench members to really do our jobs to the best of our ability. The most significant example of that was 400 pages of legislation that was tabled in establishing TasCAT, which we supported - and we support the principle of TasCAT - but 400 pages of legislation. It was impossible to get across the detail of all of that in one day, effectively, which is what we had.

They described a time, maybe through rose-coloured glasses - I know that there would have been real struggles in the larger parliament as well - but they certainly described a time where the committee structure served the Tasmanian people better than, I believe, it can serve the Tasmanian people now.

I acknowledge as well that the public perception of politicians is very low, particularly at the moment. People are losing faith in the way that parliaments work and the way that we, as parliamentarians, work. Often you hear people talking about 'snouts in the trough'. There was jubilation in 1998 that there were 10 less snouts in the trough and here we are talking about putting 10 more snouts in the trough. We know that is not how we do our jobs and the people who really care about the functioning of a parliament doing the best that it can for the Tasmanian people also understand that is not how we do our jobs.

As others have said, it is really refreshing and I pay tribute to the move that the Premier has made today. This side of the House was surprised by that announcement. It is a positive that an announcement has been made today that we will be considering legislation before the end of this year. Like others, I am very much looking forward to seeing the detail of the

legislation, and what the model might look like. The committee heard lots of different examples of what a 35-member House might look like.

I conclude with those brief comments and look forward to this issue continuing in the parliament.

[3.26 p.m.]

**Mrs PETRUSMA** (Franklin - Minister for Police, Fire and Emergency Management) - Mr Speaker, I commend Ms O'Connor for the motion today and thank everyone for their contributions and acknowledge the Premier's commitment today.

Having been a member of the committee, I found it a great committee. You learn so much, hearing from previous members of parliament and, importantly, hearing about the difference that it will actually make to our constituents. I passionately believe that all of us in this Chamber want to do the best for the people we represent. I feel we are not giving the people of Tasmania the best representations for their issues because all of us are so short of time. If we had more people elected in our electorates we would be better able to represent the issues that are important to our constituents, and this parliament would be a better place and it will be better for Tasmania.

People forget that the complexity of issues are the same in Tasmania or could be even more complex than in other areas around the nation. Whether you are a minister or a member of parliament, you are expected to have the same breadth of knowledge and skills as in other areas, which have a far greater number of ministers. If we are to do the best by Tasmania on the national stage, we need to have greater capacity to represent Tasmania's interests on that stage. That came through strongly in the inquiry.

A committee system is essential. Having been in opposition and on different committees which made a significant difference, but also now in the parliament we represent, it is essential that we have a functioning parliament that is the best parliament for the people of Tasmania.

I congratulate Ms O'Connor and I thank everyone for their contribution. I look forward, like everyone else does, to the bill that will be tabled and debated later on this year.

[3.28 p.m.]

**Ms O'CONNOR** (Clark - Leader of the Greens) - Well, Mr Speaker -

**Mr SPEAKER** - You are not speechless, surely?

**Ms O'CONNOR** - We are absolutely speechless, but I am going to get up and say a few brief words of thanks, anyway.

Debates like this are parliament at its best, where we all recognise what the right thing to do is and we are prepared to put aside the politics and do that right thing. Restoring the numbers in the House of Assembly, as so many speakers have said today, is doing the right thing by the Tasmanian people, the representation that we give them, good governance, the Cabinet of the future, to take some of the load off ministers, to strengthen the backbench and the committee system.

I sincerely thank the Premier for his courage and his leadership. It is the mark of a true parliamentarian. Thank you, Premier, for surprising us in the most delightful way. I would encourage you, when you bring that legislation forward, to keep it simple and not complicate things too much for the Tasmanian people or the Tasmanian Electoral Commission and only make sure we undo the damage that was done in 1998.

If we all stand together on this issue and take the politics out of it, then we can engage with our constituents about why this is the right thing to do by them.

**Motion agreed to.**

## **MOTION**

### **Cost of Living - Motion Negatived**

[3.30 p.m.]

**Mr WINTER** (Franklin) - Mr Speaker, I rise to move Labor's motion this afternoon.

**Mr SPEAKER** - Will a vote be required?

**Mr WINTER** - Yes.

I move - That -

- (1) A select committee be appointed, with power to send for persons, papers and records, to inquire into and report upon the Cost of Living and Real Wage Crisis engulfing Tasmania, including:
  - (a) the impact of increases in the price of essentials and utilities like housing, food, transport, energy, council rates, water, waste and sewerage;
  - (b) inadequacy of current wage growth in Tasmania;
  - (c) the impact of these cost pressures on Tasmanian households; and
  - (d) the impact of Government policy on cost of living pressures and the adequacy of assistance and other measures to reduce, limit and ameliorate the pressures.
- (2) The Members to serve on the Committee be:
  - (a) two from the Government, nominated by the Leader of the House;
  - (b) two from the Opposition, nominated by the Leader of Opposition Business; and

- (c) one from the Greens, nominated by the Leader of the Greens.

- (3) The Committee report by 24 November next.

Labor's motion this afternoon is all about the cost of living, which is a huge issue already but it is one that I think many of us can foresee being a much larger and broader issue over the coming months and even years, as we deal with an entirely different economic environment in Tasmania than we have dealt within more than 20 years. We have been living in an environment with low interest rates and low inflation, and over that period of time we have also seen low wage growth. We continue to see Tasmania with lower wages than the rest of the country.

Whilst there was low wage growth, and no-one likes that, the CPI was also at low levels and so we saw the continuation of that for some time. In recent times, particularly over the last six months and the most recent CPI figures, we have seen an enormous explosion of CPI, of inflation, that has now become a real cost-of-living factor for Tasmanian families.

We can talk about it from two perspectives, I suppose. We can talk about it from the perspective of the economist and the ABS and the data we read, but we can also talk about it, more importantly, from the perspective of the people we meet as parliamentarians representing our electorates.

Every parliamentarian here will have spoken to someone who is doing it tough, and I am not going to pretend I am the only one. I know all of us are talking to people who are struggling with the cost of living, and these are people who are employed, who are raising families and perhaps are a slightly different cohort from people we have been talking to, for example, about unemployment in years earlier.

This is a changing set of economic circumstances that is now gripping not just Tasmania but the rest of Australia. I thought the comments from our new federal Treasurer were spot-on yesterday in terms of the cost-of-living issues that our state is now facing.

The Labor Opposition, Tasmanian Labor, knows that people are struggling with the cost of living more now than they have for the past 20 years. Our CPI in the last quarter was 5.8 percent in Tasmania, which is higher than the national average and we know that is having real impacts. We are hearing it more and more frequently. We are hearing it at our community housing in our electorates. We are hearing it from service providers. One service provider told me a couple of weeks ago that JobKeeper and the COVID-19 pandemic response from the federal government in particular had provided a buffer to many families in Tasmania. It had actually provided them with cash that they had not seen before, and a lot of them had saved that, and they have been saving for quite some time.

What we are seeing now, though, is that cash that had been saved up from that period where they were better supported through JobKeeper and JobSeeker has now evaporated to the point where they are really starting to struggle now. We are seeing it from service providers who are providing emergency food relief more and more to people who they say they would not normally expect to be seeking food relief.

It is not a small issue. It is a growing issue, and an issue we think will continue to grow over the next period of time, as we continue to see inflation at historically high levels, higher than we have seen in the last 20 years.

This is an issue that I think most people can see at least staying as bad as it is or potentially getting worse over the course of this year. It is one that I think is really important for this parliament and this House and the Tasmanian Government to come to grips with early and understand the issues that are likely to be faced in Tasmanian households.

This motion is asking members of this House to support a select committee into the cost of living. It is asking this House to have a serious look at the impact of recent movements in the price of essentials and utilities like housing, food, transport, energy, council rates, water and sewerage charges, the adequacy of current wage growth in Tasmania, the impact of cost pressures on living standards in Tasmania, the impact of government policy on cost-of-living pressures and the adequacy of assistance and other measures to reduce and ameliorate those pressures.

We know that the Government has programs in place to support, for example, pensioners with their rates. We know that at election time there has conveniently been support for households when it comes to their power bills. There has been support over a period of time, but we are suggesting that we get together to have a real discussion about the best way to target support, where the real pressures on Tasmanian families, and asking the Government to work with us to do that.

This morning, I think the Premier looked at me and said, 'What would you do?' In effect we get this conversation from the Government about alternative budgets and how Labor should come up with our own ideas. There are two things I want to talk about when it comes to that. The first thing is that alternative budgets are an invention of the Greens historically, and they are also an invention of the former shadow treasurer, Peter Gutwein. When we asked the parliamentary research officers to look into this for us, the only alternative budgets we could find were ones undertaken by the Greens and the ones undertaken by the former shadow treasurer, Peter Gutwein. No-one else, as far as we can find in any Australian parliament ever, has produced an alternative budget.

**Mr Street** - Shame on them.

**Mr WINTER** - It is important that Mr Street interjects to say 'Shame on them', because he is talking about the Victorian Liberal Opposition, he is talking about the Queensland LNP Opposition, he is talking about Liberal oppositions throughout time that have not done one of these.

It is not because we do not have ideas and we do not want to put our ideas to this place. It is because our job is to scrutinise the Tasmanian Government's budget. Every parliamentarian who is not a minister has a job to scrutinise this Government's budget. It is not about pretend budgets. It is about the real budget and the real impacts that that budget has on Tasmanians, whether they are the right policies, whether the spendings are undertaken in a correct way and whether the policies are working for Tasmanians.

That is why we do a response and why we do things like Estimates to hold the Government to account for its budget. That is what we will do this year as well, but obviously

we want to contribute to dealing with the issues that Tasmanians face, and that is what this motion is about. We want to look at all of the issues being faced by Tasmanian households right now through the lens of what families are collectively telling us and we also want to try to look at it through an economic lens of what the data is telling us about the pressures, and where they are being felt by Tasmanian families.

This is an opportunity for us, in the spirit of the debate I just heard before, to work together on what the cost-of-living pressures are on Tasmanian families, and to do that together, to work methodically through these challenges, through conversations with Tasmanian families and going through the data to understand where and what the challenges are.

Mr Speaker, from that economic point of view, the reason we can see this is because it is getting to be a cost-of-living crisis. Inflation is up 5.8 per cent, the highest since the turn of the millennium, and well above the national average of 5.1 per cent. We are seeing at the same time as that occurs the Reserve Bank of Australia having to make the obvious decision to lift the cash rate from 0.1 per cent to 0.35 per cent and the likelihood that they will have to act again if the CPI numbers continue to be the way they are. That is the reality that people are going to be facing; not just rising in prices for groceries, food, all the essentials, but they are also going to be facing higher costs on interest rates that they are paying on their family mortgage. That is likely to continue to rise and likely to become more and more of an issue for Tasmanian families.

Through those CPI figures we can see that food was up by 4.4 per cent, including vegetables at 9.2 per cent, beef at 13.1 per cent. Housing was up 8.1 per cent, including new builds up 18.7 per cent. Gas is up at 8.1 per cent; transport is up 19.5 per cent; and insurance, is up 9.6 per cent. These are not small numbers. These are really significant cost of living pressures that have been felt by, I dare to say, every Tasmanian household.

The problem is that these prices are going up so much faster, than people's wages. That is why when we talk about a real wage cut, we are talking about the difference between the rate of inflation and increases in average wages. We are seeing Tasmanian workers and families go backwards, as these prices continue to rise.

We have seen only this year the announcements of prices continuing to rise. The Government's waste levy - we call it tip tax, but in the spirit of this debate - the waste levy will be imposed on Tasmanian families from the start of the next financial year. That will mean that every Tasmanian will be paying an additional cost every time they put the wheelie bin out. As a former mayor, I can tell you that when you increase the price at the tip, people notice straight away when the prices go up. That is what will happen at the start of the new financial year when that new tax hits Tasmanians every time they go to the tip. As announced by the regulators, water and sewerage prices are going up by 3.5 per cent every year for the next four years.

It is not a surprise to anyone because this was the plan the whole way along. This is the MOU signed by the former premier Peter Gutwein with TasWater and its board back in 2018. It was set out exactly for these price rises for this year and the next three years after that at 3.5 per cent. It continues to go up. Yes, they froze it for a time for whatever purposes they wanted to do, but it had to go up. This is in the regulator's report. The capital expenditure that TasWater has undertaken has meant a larger amount of debt for TasWater, and with rising interest rates, the cost of servicing that debt is only going to go up.

We are likely to see that in the Tasmanian Budget tomorrow, in the debt the Tasmanian Government is now carrying. It was not carrying any debt when it inherited Labor's budget in 2014. It is now carrying debt. The cost of servicing that will go up as well.

Cost of living pressures are led by things like interest rates, food, housing, gas, transport, and insurance all going up. There are things that the Tasmanian Government can do to assist and we would like to work with members of the Government, members of the crossbench on how we can best assist Tasmanian families on this important matter.

I want to talk a little about wages. The annual wage growth was 2.8 per cent last quarter. I have heard the Government talk about this being quite good comparatively with other states and territories, but the problem is that inflation in Tasmania is far worse than the national average. We have 5.8 per cent CPI, but we are running at 2.8 per cent wage growth. That means there is a 3 per cent gap and we are talking about a real wage cut to Tasmanian workers and to households. That is a very large problem. If you average that out on in terms of Tasmanians' average earnings, you could say that is about \$2400 every year: quite a significant amount in terms of the loss of purchasing power from 12 months earlier.

CPI is at 5.8 per cent in Tasmania, which is the second highest in the country, only behind Western Australia and well above the national average of 5.1 per cent. The difference in Tasmania between the wage price index and the CPI is 3 per cent, so real wage cuts for Tasmanian workers, Tasmanian families, that are having a real impact already.

We have seen this since 2014. Over this last little bit, prices have increased substantially more than they ever have before. In fact, the graph that I unfortunately cannot wave around shows an incredible spike in prices. Unfortunately, prices are higher comparatively to wages from the start of this Government from the start of 2014. The increase in prices in Tasmania are higher now than wages have been over the course of this Government.

We need to consider what that means to Tasmanian people. This compares not as well as the previous 10 years where, fortunately, the conditions were different - a lower inflationary environment, where we were able to see wage growth well ahead of CPI growth. We were able to see the wage price index growing faster than prices were. That contributes positively to Tasmanians' cost of living and their ability to make ends meet.

In the longer term, something that this committee could deal with, and I would like to see a committee like this deal with, is education. This has been discussed by eminent economists like Saul Eslake who has talked about this for as long as I have been listening to him: about education; about the need to lift Tasmanian educational attainment, and the fact that we need to do a lot better when it comes to attainment. The Government has been measuring itself on retention when it comes to education, for obvious political reasons. Labor and other commentators have made the point that it is actually about attainment; it is actually about what you learn while you are in the Tasmanian education system. The NAPLAN results that came out in August last year were very disappointing. We are talking about education.

A pledge made by the Liberal Party at the 2018 election that by 2020 Tasmanian students would be at or above the national average in reading, writing, and maths, and then the results showed that when the NAPLAN actually occurred, which was a year later because the pandemic, our results were the worst across any state across every age group in reading, the second worst in every age group in writing, the worst in every age group in spelling, the worst

in every age group in grammar and punctuation, and the worst in years 5, 7, and 9 in numeracy. It really is a very serious issue for Tasmania.

We speak to so many people who talked about the Tasmanian education system quite some years ago so favourably; how well it stacked up with education systems in other states and territories, and how Tasmania was leading the pack when it came to our education system. However, these numbers are telling us that what we have been doing has not been working and that we need to do better when it comes to our kids.

The best way to ensure good quality jobs, good quality wages, wages that go up, is to ensure that Tasmanian kids have the opportunity to learn, to get a great education, to go on and get a great job, with great conditions, and they can have a great impact on our economy. That flows through to the cost of living. The better we go when it comes to education, the more productive our workforce, the better they are paid, and the better for our state.

The education results that we have seen, particularly last year's NAPLAN results, really should be a wakeup call to the Government, that more needs to be done and that the approach that is being taken in the long term has not worked and there could not be anything more important than making sure we give these kids the best opportunity in life.

The motion refers to living standards and I want to talk briefly about this and the issue of cost of living and purchasing power. Our living standards in Tasmania are being affected by cost pressures. We are seeing housing becoming so much more expensive from when I was renting in the early and mid-2000s when I remember renting my first place for \$90 a week. Looking back at it, I still did not pay my rent on time all the time but I look back at that and think what a joy that would be for young Tasmanians to be paying at that level. At that time Tasmania would have been one of the most affordable places to live, but we are now living in the reality that Hobart is the least affordable place in Australia to live, and that has been a product of this Government and the policies it has undertaken.

It has been the product of the failed set of planning reforms that have marked this Government for eight years now where we are still stuck in this endless fake reform of a single statewide planning scheme which will never happen. They are not even trying to do it any more. We have this ridiculous planning system where every time there is a change to the land use strategy you need to have every single council in that region sign off on any change to urban growth boundaries. You also have the lack of supply that is crippling Tasmania's housing market because it is simply too hard to build new homes in this state now. It is harder than ever. This was supposed to be the reform that led to a 'faster, better planning system' that they used to carry on about and crow about although they stopped saying it a couple of years into the planning reform because it was not working.

It has not worked and I presume during Estimates we are going to find out how many of the councils have now adopted the new statewide planning scheme. It is going to be well under 29. I know that for a fact. I know the former failed planning minister was hoping to have it finished by Christmas last year. Unfortunately for Tasmania, he failed on that one as well.

That planning reform is having a significant impact on Tasmanian families. The housing market simply has not been able to respond to increased demand because it is so hard to build a house here in Tasmania because it is so hard to get land rezoned. I have been talking to

people who have been waiting 10 years to get land rezoned, in part because of the planning reforms that have been ongoing but have crippled the Tasmanian Planning Scheme, that have taken up endless resources from strategic planners across Tasmania, but have actually achieved almost nothing. That is an issue that is having real effects on people. That is a big contributing factor to the increase in rents and housing affordability or making housing less affordable. We need to acknowledge that is the case.

The last point I want to make in my contribution is about the Government's ability to support Tasmanian families through what is to come. As I said, there is a changing set of economic circumstances that we are now in. We are in a new environment of high inflation mixed with relatively low wage growth and what does that actually mean? What levers does this Government have to address that?

As well as that, there are government businesses that are owned by the Tasmanian Government. Unfortunately these businesses, for example TasNetworks and Hydro Tasmania, are in a worse position than they have been in quite some time to actually provide support. According to the Auditor-General's report, TasNetworks' debt-to-equity ratio is at almost 200 per cent. The Tasmanian Government in the financial year that is about to finish looks to have a deficit of around \$600 million which is a record, beating the record that the former treasurer, Peter Gutwein, set the year before, which was a record which beat the massive deficit he set the year before that, and all of this means debt.

As our shadow treasurer, Dr Broad, has said on many occasions, this Government is now borrowing \$2 million a day, every day, over the course of this current budget. This means that the Government will have less capacity to support people: less support and fewer levers to pull. Yes, they inherited \$200 million of net cash and reserves from the former Labor government and that would have provided them with the ability to provide more support, but in the current environment and with the current budget the way that it is, it is going to have an impact on their ability to provide support and we have to be realistic about that.

Tomorrow is Budget day, a very important day. We have a new Treasurer and a new chance to get this right; a new chance to take fiscal sustainability seriously. I remind the House, as I have on a few occasions before, of the Tasmanian Government Fiscal Sustainability Report 2021 and the important words from Treasury that are within it. This report is a warning for that treasurer, for this Treasurer and for parliamentarians, for us as people responsible to the state when it comes to this budget, of the set of scenarios that are now a serious risk to the budget.

The report says we are now in a situation where without corrective actions, for all scenarios analysed, the results show projected fiscal outcomes that are manageable in the Short- to medium-term. However, the size of corrective action required to maintain fiscal sustainability increases over the projection period. What that is saying is we need to take this seriously and the longer before we do something about the issues that are well and truly articulated within this document, the more difficult it is going to become to address those problems. It talks about, under the worst scenario - the high expenditure scenario - Tasmania having \$30 billion worth of debt by 2035. Even under the best scenario - and that is a scenario I think is very unlikely because it would be completely at odds with what the government has been doing more recently - is \$16 billion worth of debt. So, the best case scenario is \$16 billion worth of debt, and the worst case scenario is \$30 billion in debt by 2035.

I do not think any of us wants to just do nothing about this problem. I do not think that they want a Government to ignore this and continue and do as Treasury says 'do not do,' do nothing and let the corrective action required become very serious and very significant the more that we wait. I hope that in the spirit of a Government that has capacity to help people and has the capacity to pull different levers when it needs so, for example, in an economic downturn, you want to have a Government that actually has the fiscal capability to jump in and support and provide stimulus.

We want to be in that situation if the economy does stop performing as well as it is at the moment. We want to have that capability but if we are in the situation where money is scarce, which is what Treasury is predicting, then we will not have that ability. When the pandemic hit, the reason why there were able to be these levers pulled - for example, larger amounts of spending, larger infrastructure projects, and capping of prices for Tasmanian families - was because there was the fiscal capability to do that. There was the ability to do that because there was the cash in the bank and there was not significant debt but, as the debt grows, the less capable the government is to respond to issues like that.

That comes, not just in large crises like pandemics or the global financial crisis, but just with the cost of living crisis that is hitting Tasmania at the moment. Yes, it is not on the global scale of a pandemic, or a GFC, but this is going to be, and is, a big issue for Tasmanian families. This is going to start biting more and more - and I know the people that service providers are talking to right now are a different cohort than they have previously been talking about. These are people who are working and do not have a problem getting a job but they are having trouble making ends meet. I would love this parliament to sit down to methodically work through these issues together. I would love to see us work through all the issues that are in the motion.

The impact of recent movements on the price of essentials, utilities like housing, food, transport, energy, council rates, water and sewerage, and we have not even talked about the price of fuel and the impact that is having on groceries, on transport and on everything associated with it.

I hope that this is agreed to. I would love to be part of a committee that works together to try to tackle some of these issues and better understand them and I look forward to hearing what the Government has to say.

[4.00 p.m.]

**Mr STREET** (Franklin - Minister for Community Services and Development) - Mr Speaker, the first thing I will say to Mr Winter is do not finish with how you would love to see this parliament sit down and work through these things together when you disingenuously spent most of question time today talking about a bin tax. If we put all the Labor members on a lie detector, you all know that we need to do something about how we deal with our waste, that we have to deal with it more efficiently, we have to do things to encourage people how they deal with waste. I know you know that because you supported it when you were mayor in Kingborough.

**Mr Winter** - No, I did not.

**Mr STREET** - Yes, you did. Kingborough Council supported it.

**Mr Winter** - My council might have, I did not.

**Mr STREET** - You most certainly did, Mr Winter. Do not sit there and say you did not, because I know that you did.

**Mr Winter** - Never.

**Mr STREET** - As Minister for Community Services and Development, I take the issue of cost-of-living pressures seriously. This Government has a strong record -

**Mr Winter** - Are you going to support the motion?

**Mr STREET** - How many times did you hear me interject while you were up there speaking for half an hour, Mr Winter?

**Mr Winter** - You spoke to me. I spoke through the Speaker.

**Mr STREET** - Of course, there is one set of rules for you and one for me.

Mr Speaker, this Government has a strong record of taking action on cost-of-living issues and helping those Tasmanians who need it most. We have seen clearly during the pandemic where Tasmanians have needed extra help with cost-of-living pressures as a result of COVID, and this Government has stepped up and acted.

Mr Winter, pay attention, here is what you are looking for. I will state very clearly at the outset that the Government will not be supporting this motion because it is a typical Labor non-response to the issue. 'Let us have another committee', another talkfest from Labor. That is their supposed solution. No plan, no policies and we suspect after nearly 3000 long days in opposition, still no alternative budget. Mr Winter, you can stand up here and talk about alternative budgets, but you spent a fair bit of your contribution saying that we were not doing enough to tackle the cost of living and support people and then finish off by giving us a spiel about how worried you are about debt.

You cannot have both positions, Mr Winter, if you are not going to outline for the parliament and for the people of Tasmania what you are going to cut and what you are going to do differently to this Government to tell Tasmanians that you are going to do more than we are to deal with the cost of living and you are also going to reduce the level of debt we are going to carry. You have no economic credibility unless you produce an alternative budget that does that.

What we have heard from Labor today is nothing more than a stunt to cover up the fact that once again Labor has simply not done the hard work or the hard yards. The member for Franklin, Mr O'Byrne, who was the last shadow treasurer, once upon a time said he was going to do the hard work required to put together an alternative budget and that did not eventuate either.

This Government is not going to support this stunt motion. Labor's response is typical but I have to say that some of the allegations about the Government cannot go unanswered. It is important that I put on the record this Government's strong record on addressing cost-of-living pressures.

Our commitments including increased funding for emergency food relief to \$3 million, including base funding for critical food distributors Loaves and Fishes Tasmania and Food Bank Tasmania, as well as increased funding for the essential community services of Gran's Van, Loui's Van and Missionbeat.

Our COVID-19 care package acknowledged the increase in need of Tasmanians who need to isolate or are close contacts and we extended the funding through the Salvation Army's service with an additional \$120 000 to ensure Tasmanians could access day-to-day essentials. This support continues through the COVID@home program.

Our COVID-19 care package also supported our vital community sector organisations, which TasCOSS called nation-leading. This is on top of our ongoing family assistance program which funds the Salvation Army, St Vincent De Paul, Anglicare, Hobart City Mission and Launceston City Mission to provide direct relief to families suffering financial hardship and to increase provision of direct emergency relief to Tasmanian families suffering financial hardship.

We are also investing \$1.4 million to extend our successful school lunch pilot to 30 schools to ensure that young learners who need it most are given additional help and support to succeed. In 2020 we expanded the student assistance scheme which waives the cost of school levies for eligible students, seeing upwards of 9000 additional students becoming eligible for the program. This means that one in two students are no longer paying school levies.

Last year we also announced that female sanitary products would be made freely available to students in all Tasmanian government schools. We have also announced an investment of an additional \$5 million towards new computers and laptops for schools to ensure that those families who are unable to provide this technology are supported so that no child is left behind.

In my portfolio of Sport and Recreation, we have doubled the value of the Ticket to Play vouchers so all kids can participate in organised sport and recreation. In 2020 we committed \$1 million a year for four years, doubling the voucher value so that each eligible applicant will receive two vouchers worth \$100 each, increasing the number of young Tasmanians playing sport by breaking down that cost barrier.

We put in place a \$100 000 fuel relief grant program for our community sector organisations so that they could keep delivering their services for Tasmanians when the fuel price spiked due to the war in Ukraine. We have introduced the FuelCheck app to increase fuel price transparency, and Tasmanians now have the lowest car registration of all states and territories across Australia. In addition to that, we have also introduced quarterly payments for the registration of cars, and the annual MAIB premium remains at \$282 less than the highest premiums in the country at \$575 and less than it was back in 2001 under Labor.

Our strong commitment to the No-Interest Loan Scheme of over \$4.5 million across the next four years increases the availability for Tasmanians to access safe, fair and affordable credit to purchase energy-efficient appliances. The NILS service is also enabling more Tasmanians to start or expand their small business. It was only a month ago that I met with the CEO of the NILS program to see some of the paraphernalia they have put together in terms of the success stories through the small business support program and it was really encouraging

to see. Loans can be accessed for essential items, including energy-saving products, like I said, but also for computers for schoolchildren. The income threshold for access to NILS has recently increased, which means that the NILS program is available to more than just those on Centrelink payments.

We are providing \$308 million over four years in concessions for vulnerable Tasmanians for water, electricity and rates, and this comes after price hikes of 65 per cent under Labor. We came in and capped regulated power prices to no more than CPI for four years. Small business customers have also benefited with a decrease of 11 per cent on the regulated electricity price. This represents savings of around \$30 million for 243 households and \$5.3 million for 29 000 small businesses. Through 2019, 2020 and 2021, TasWater prices were frozen for residential and business customers as part of the Government's COVID-19 community support.

Mr Speaker, it is this Government that has continued to support individuals and families impacted throughout the pandemic and in fact we delivered the largest social and economic support package per capita in the country. I know my office and the department are also continuing to work alongside community service providers to ensure that Tasmanians who need our help will get it and we will continue to closely monitor emerging needs and respond accordingly. In just a few years we have done more on the cost of living than Labor ever has or could claim to have done and unlike Labor, we have a strong record of responding to people's needs and not just complaining.

All jurisdictions across Australia and many worldwide are seeing the costs of living rise due to the pandemic and other supply and demand issues and we are the first to acknowledge that Tasmania is not immune. We know that many in our community are doing it hard and struggling with the costs of living and we continue to provide real assistance to Tasmanians in emergency situations. That is our Government's record on addressing cost-of-living pressure.

In stark contrast to our record of action, let us reach back into the archives for the benefit of parliament and put some facts on the table. In 2011 Labor spent hundreds of thousands of dollars on a cost of living report that took 15 months to develop and then they failed to implement any of the 13 recommendations from the report. In response to the report's recommendations, then premier Lara Giddings set up - can anyone guess? - that is right, a parliamentary select committee on the cost of living.

In November 2013 the report of the inquiry, which was chaired ironically enough by the now Leader of the Opposition, Ms White, in her capacity as the parliamentary secretary for the cost of living, was tabled and contained how many recommendations? Would anybody in the parliament like to guess how many recommendations were in the report? Zero. The Leader of the Opposition had an opportunity to make a difference during her short stint as parliamentary secretary and she did not deliver anything yet, now, those opposite want us to support them in repeating the exercise.

Mr Winter wants another committee, another Labor talkfest. To assist the member for Franklin, I am going to give him some more time this afternoon. We have 50 minutes. Mr Winter will have the opportunity to stand back up and provide some details on any elements of the Opposition's alternative budget or whatever else you want to call it. If you feel more comfortable calling it an economic plan rather than an alternative budget; if that makes you feel better, you can do that. I suspect, that he will not do that. I suspect there will be no

alternative budget. The reason for that is the same as it has always been: lazy Labor, no policies and no plan for Tasmanians.

[4.11 p. m.]

**Dr WOODRUFF** (Franklin) - Mr Speaker, I want to make some points about what the minister just said in relation to the value of an alternative budget. Obviously, the Greens strongly believe in nailing your colours to the mast and being propositional. There is an opportunity to both scrutinise the Government's Budget and be propositional about what the Government should be doing instead; an opportunity the Greens make the most of every single year and have done for a long time now. It is really unfortunate that Labor does not take that opportunity because it sells them very short amongst people in the electorate.

**Mr Winter** interjecting.

**Mr SPEAKER** - Order.

**Dr WOODRUFF** - It makes it very clear that they do not have a plan for what should be done differently in Tasmania.

**Mr Winter** interjecting.

**Mr SPEAKER** - Order, member for Franklin.

**Dr WOODRUFF** - It is fundamentally important for any opposition or crossbench party or Independent to represent your people and the views of what they think should change. It is not good enough throwing rocks from the sideline. You have to come up with some views about how things should be done differently. I will just dispatch that. It does make it difficult for the Labor Party in Opposition when they are continually coming up with problems and not presenting solutions. People expect more and in that vacuum the Greens will certainly provide that.

Politics aside, we can all agree that listening to people matters and listening to our constituents really matters. The Premier made some really good points about that in his comments on the restoration of the House motion that the Greens put forward earlier today, which was wonderfully approved and agreed to by all members. He made the point that one of the benefits of restoring the numbers in the House would be so that we could have a better functioning committee system. He talked about the importance of the committee work in parliament; the background work that is undertaken to give people in the community a real space and an opportunity to be heard.

As a member of the Greens, I have only been able to be on one committee. I was on the gun inquiry, of which you were also a member, Mr Speaker, for most of that period of the committee. You chaired that for most of the time of the committee. I found that a very fortunate opportunity to really hear that cross-section of views in the community. On that particular issue, there was no doubt that the overwhelming majority of Tasmanians really do want to keep our world's best strong gun laws.

Indeed, what we came up with as a committee was an agreement, a tripartite agreement, to strengthening even further our state's gun laws, which was really important. I doubt we would have got to that point if the Liberals before the 2018 election had not provided some

secretive agreements with the Shooters Party that initiated the whole process. That aside, a couple of decades after those laws were first made, it gave us an opportunity to have a really good look. We made some important changes and I acknowledge the work of the minister for Police in making sure there has been follow through in some of those important areas with firearm services agreement.

Back to the cost of living, minister Street said that the Government is doing a lot of work in this area. The programs that he pointed out that the Government is funding are very welcome. However, no one could argue that not nearly enough money is being put into supporting people in Tasmania who are having a very hard time every single day with managing two basic bills, and in being able to get food on their table.

What we need is an opportunity to hear from people to understand how government services need to be better targeted so that members of the Government, members of the Opposition, the Greens and Independent members can really understand what the most critical issues are for attention in Tasmania. We all want to represent people in our electorate as best we can, and there is definitely a strong argument to sit at a committee table to hear the voice of our constituents.

This is one of the most important issues facing the Tasmanian community at the moment: climate change and the cost of living. Both are critical issues. The intersection of the two has been shown very closely in northern New South Wales. People who were living in in some of the poorest areas are the most flood-prone areas. They are often the most bushfire-risk areas. They are often the areas that other richer people vacate and leave to people living in low-lying areas, and they move to higher ground. There is an intersection between climate change and cost of living.

Fundamentally, just at the moment with the world economy being dominated by the changes with war, the invasion of Ukraine, a peaceful nation, by Russia, we have a situation where the European community has made it very clear that they are not going to buy Russian oil. That has put an enormous pressure on the whole of the world's oil supply and it seems petrol prices will continue to increase. European countries are buying into the south Asian oil market. That is a new thing and that is increasing the prices where Australia would normally source our oil from.

In addition to that, we have the Australian dollar which is running at the moment at only 71 cents US. That is an 8 per cent drop over the last year. We were at 75 cents; we are now down to 71 cents. I understand the projections for 2023 are that it will run down to 68 cents US. As a country we are able to buy less with our dollar when things like oil are traded in US dollars. That affects everyone. It affects the price of our food, the price of petrol at the pump, and that flows through to every part of our society.

These are new changes. They are having complex flow-on effects on people in Tasmania and to businesses. There is definitely a place for us to understand the impact of cost of living pressures and the adequacy of the Government's measures to reduce them, so we support Labor's motion.

The minister made some comments about what he believes was the ineffectualness of a previous Labor cost-of-living committee. I cannot make any comment about that; I was not there, except that the make-up of this committee with two government members, two

opposition members and one member of the Greens would mean that if there were to be ineffectual members, there could be outnumbered by those who would be more effectual, and one of the Greens would take up a role on that committee with a great deal of seriousness.

There is no doubt that wages in Tasmania have stalled. They are already one of the problems for us as a state, being lower than in any other state in Australia. We have graduate paramedics who are looking at working for Ambulance Tasmania and the pressures there, and realising that much as they would love to stay in Tasmania, they could move to Victoria and get tens of thousands of dollars in pay rises just by crossing Bass Strait and working less chaotic, crisis-ridden conditions. We have nurses, teachers, people in many different sectors who are being paid less than on the mainland. Once that used to be fine, because you could move to Tasmania and the cost of housing was cheap - but we now have one of the highest costs of housing in the country, and our relative cost of housing in terms of liveability is the worst in the country.

Things have changed, and they have changed very fast for Tasmanians and businesses - for food and goods supply and costs. It is an important issue. That is why the Greens will support this motion.

[4.22 p.m.]

**Ms HADDAD** (Clark) - Mr Speaker, I am glad to add my support to this motion today to establish a committee to look into the cost of living.

I commence by reflecting on what minister Street had to say. It is a coincidence that his contribution followed quick on the heels of our discussion of the size of parliament - but it was really disappointing to see a return to usual, when we just had a really worthwhile debate about value of the committee system. Every party that spoke on that last motion talked about how the committee system used to work really productively in benefiting the Tasmanian people, and the work we do here in parliament.

Mr Street was very dismissive. He said it was a stunt. He spoke for around 10 minutes and said it was a waste of time. That is really dismissive, not only to the idea of this committee - which is dealing with the number one issue affecting Tasmanians right now, which is the cost of living - but it is actually dismissive to the entire parliament, and to every committee that has happened in the past, since the parliament was established.

The committee system is a fundamental component of a Westminster style of parliament. It is a fundamental part of how democracy is delivered in this state. I know he would have had his riding instructions to oppose the motion, because that is what usually happens in this place; governments do not support opposition motions, generally. What a pity, though, to see that pessimism and that return to tit-for-tat politics where he would basically, in my view, dismiss the important work of every committee that has come before this parliament in the past.

We know that very important work has been progressed in committees of the previous parliament - the select committees and standing committees that do their work in this place week in, week out, to improve the work of the parliament and, ultimately, to serve the Tasmanian people. Why not have a committee that looks into these fundamental issues - the cost of living and the wage crisis in Tasmania?

We have just come off the back of a federal campaign, and I am sure other members here, like me, volunteered their time for candidates standing for election. I did a fair bit of doorknocking on behalf of our federal candidate in the electorate of Clark that I represent. The number one issue that came up when we were doorknocking through this federal campaign was cost of living. The number one issue; more so than in any other election - and I have been doorknocking since I was about 16. It was the first thing out of people's lips. Usually when you doorknock, the first thing out of people's lips is, 'Oh, I am not sure what I would like to talk to my local MP about, let me think'. Not this time. Every person said it was just getting harder and harder to make ends meet in Tasmania. They then talked about the cost of healthcare, the cost of housing and rent, the cost of basics just to live your life: the cost of food, groceries, fuel, power, gas. They were not talking to us about luxuries. They were not talking to us about the fact that they could not do things that might be considered optional.

They were talking about the basic fundamentals of living their life. We heard heartbreaking stories every day when we were out doorknocking, and we hear it day in, day out, through our offices and through our continuous communication with the community: people making very real choices between paying the rent that fortnight, or paying to heat their house. It is a choice they have to make because there just is not enough money to go around in their household. People making the choice between paying for groceries that week - or buying the medicines they need for themselves and their family that week. Will they pay for the medicines they need for their family that week - or will they pay for fuel? We are hearing about people, particularly in regional Tasmania, who are now unable to afford the cost of fuel, so they are missing out on things like getting their kids to school in some instances, or getting to medical appointments.

I will never forget the day in 2021 at that last election when we were doorknocking and I spoke to a young mum about Labor's policy for free school lunches in all state primary schools and she burst into tears. She was a stranger speaking to strangers at her door, and she burst into tears because she said that would fundamentally change her life, because she sometimes does not send her daughter to school because she cannot afford to send her with a lunchbox full of food. That little girl was not only missing out on eating, she was missing out on education - and that is deplorable.

I cannot for the life of me understand why the Government would not support the idea of us, as representatives of our community, simply forming a committee to look at that issue. We all know it is a real issue. Every one of us has an electorate office around this state, and I would defy any member to tell me they do not have people ringing their office or writing them letters or coming to speak to them about the cost of living. I know that would be the case right around the state. For every stripe of politician in here, no matter whether they represent Liberal, Labor, Greens or Independent, we all know the cost of living is biting.

Mr Speaker, one of the main things that is adding to this problem is a high unemployment rate in Tasmania - 3.8 per cent - but also the underemployment rate, which in Tasmania is 6.9 per cent, which is pretty high on national averages. That unemployment rate is actually masking a very real problem, which is underemployment, because to be counted in the employed statistics, you only have to work one hour a week. Thousands of Tasmanians are wanting to get more work than they currently have, so the participation rate in Tasmania is the lowest in the country, at 60.2 per cent. People want to work more, but are unable to find secure work that can pay them a living wage so they can live a dignified life, feed and support their families, and plan for the future.

Even for those who are employed, job insecurity and low wages are massive problems that need to be tackled by this Government. Job insecurity means people are sometimes stringing together up to three - sometimes more - casual jobs, insecure jobs or are working in the gig economy. We know people working in that gig economy are terribly exploited and have very unsafe working conditions.

People who are in those insecure types of work are suffering even more because job insecurity is incredibly destabilising. It leads to insecure housing. It means they cannot commit to the things that they need to in the long-term because they do not have a stable job. They are working in a casualised industry, or a casualised job market, which this Government's policies have continued to elevate and encourage.

Job insecurity and low wages mean that people cannot even plan for the day-to-day expenses, let alone planning for the future. It leads to enormous pressure on families and people living around Tasmania. We know that costs of living issues and the cost of living generally, is rising at an enormously rapid rate. The average fuel price in Tasmania is hovering around \$2 a litre. I do not think many people would ever have imagined that fuel could rise to a cost that high.

Since this Government came to power, rents have increased by around about \$9000 a year. That is in less than a decade. That is massive. You heard my colleague, the member for Franklin, talking about the history of the rental market, and how rapidly rental prices have increased. We know that there is a crisis, not just in the social housing sector, where there is an enormous crisis, and a wait list that is deplorably high, now at 4405. That is an increase of around about 400 people from the same time last year. The Government's own projection about the wait list is it will increase and be over 5000 over the forward Estimates. It will be very interesting to see what is in tomorrow's Budget papers in terms of anticipating that future social housing demand.

Add to that, the crisis in the private rental market, where rents are going up so quickly with no assistance from Government to try to help Tasmanian families. People are being pushed out of private rental and into homelessness.

I met with a couple just last week, who have rented privately. They are in their fifties. They have rented privately all their lives. They have only rented, as adults, about four different houses because they have been model tenants. They have not had a history of having to move regularly. However, now one person is on a disability pension and the other is on a carer's pension. He is her primary carer and they are both on benefits that they used to be able to just get by on. After their landlord announced that he would be increasing their rent, they are now going to have \$10 a fortnight between them, after rent. That is completely unsustainable. Everyone in here would understand that. Having \$10 a fortnight after rent is not enough money to pay for the food that you are buying to eat, let alone heating your house, let alone insurances, let alone medical costs, let alone all the other things that add up to the cost of living.

What has been happening in Tasmania is that while the cost of living continues to increase - the CPI is 5.8 percent - wage growth has only gone up in the same period by 2.8 per cent. In effect that means that Tasmanians have had a real wage cut of around 3 per cent. On average earnings, that is about \$2500. That is an enormous wage cut. I am not terribly good at maths. I have said that in this place before. Everyone can understand that if

your wage is not increasing at the same rate that the cost of living is increasing, at the end of the month it means you have less money to get by; in other words, a real wage cut.

In Tasmania, people who are working are experiencing a real wage cut of around about 3 per cent right now. We often hear the Government talking about Tasmania compared to the national trends, but the problem is that wages here are, on a national level, much lower than in other states and territories. When you add in the increasing cost of living and the CPI and compare it to wage growth, it bites really hard in Tasmania. It bites harder. People used to be able to look at the lower wages that people in Tasmania earn in a different way because the cost of living here used to be lower.

Professionals who would think about moving to Tasmania - teachers, nurses, paramedics, people working in public services, people working in the private sector, or the community sector - could look at the average wages here being slightly lower than they might earn elsewhere; it does not look terribly attractive at first glance, but then they could also say, 'I could probably afford to buy a house in Tasmania'.

Other costs of goods, and other costs of transport, commuting, are a little different in Tasmania from living, for example, in Melbourne, Sydney, Brisbane and other places in the country. That is not the case anymore. In the last few rental reports and housing reports, Hobart is the least affordable city to live in after Sydney. I did not think I would see that happen in my lifetime but it is true.

While the cost of housing, goods, transport, fuel and medicines is increasing, Tasmanian wages are not. That means that people in Tasmania are effectively suffering a real wage cut. They have been declining in Tasmania faster than ever before in recent years. Prices for those basic costs of living have been increasing faster in the last 10 years than ever before.

We all know that cost of living is a massive issue. Minister Street can dismiss the idea of having this committee as a waste of time and a parliamentary stunt from the Opposition, but everybody needs to have a good, hard think about the people who come through our doors and seek our support.

We often hear the Government, certainly the former premier, Mr Gutwein, often speak about how Tasmania's economy was doing really well; one of the best in the nation, triple A rating. All these ratings demonstrate, apparently, that our economy is going gangbusters. I always asked myself when I heard that rhetoric from the former premier, who is it going well for, who is it benefiting? 'The economy is going great.' Who is it going great for? What does that even mean? It certainly is not going great for the couple who I met last week, who are soon going to have \$10 between them a fortnight, after they have paid their private market rent. It is not going great for the 4500 people who are waiting on the public housing waiting list, many of whom are living in dangerous and insecure housing. People whom we spoke about in question time today are being evicted from NRAS properties. This week some of them will be evicted into homelessness and others are sleeping in their car.

It is not going well for that mum who I door knocked in 2021, who cannot afford to send her child to school with food in her lunch box and whose daughter misses out on school as a result. If I knocked on her door and said, 'Isn't the economy going well?' she would laugh in my face. So she should, because it is not going well for her. It is not going well for people who are earning low wages, stringing together casual jobs and who will find it absolutely

impossible to save for a house deposit in their lifetime, when their wages are going backwards and the house prices are going up at such massive rates that the idea of saving for a house deposit is simply out of reach for so many Tasmanians.

The economy is not going great for the people we represent. It is not going well when you think about the people who are suffering in our community, the people who are unemployed and under-employed, for people who are struggling on JobSeeker, the people who are struggling and making unfair choices of having to choose between whether they can pay their rent, or pay to heat their house, whether they can afford to buy the medicines that they need that month, or pay for food. That is not rhetoric. They are real choices that Tasmanians who we represent in this place, are making every single day.

There is absolutely no disadvantage to this parliament agreeing to this motion today, which is simply to establish a select committee to hear from the community the reality of what is happening in Tasmania in a structured way that a committee allows, to allow for us to hear innovative solutions from people in the community and those who represent them, through community organisations and others who would look at the cost of living, look at the real wage crisis that is engulfing Tasmania, would look at the increases on cost of goods and essentials such as housing, food, transport, energy, rates, water, waste and sewerage and would look at the inadequacy of wage growth in Tasmania.

It would look at the impact of those pressures on Tasmanian households and would look at ways to influence government policy to ease those pressures. It is shameful that the Government would not agree to a motion to look at those things for the benefit of all Tasmanians, because after all, that is why we are here.

[4.40 p.m.]

**Mr WINTER** (Franklin) - Mr Speaker, I rise to sum up. As Ms Haddad, the member for Clark said, the issue on the lips of everyone I spoke to during that federal campaign was the cost of living, and everyone I have spoken to over the past six months.

The contribution from the Government today, was 10 minutes of garbage. To say 'out of touch' to put it politely, would understate what happened. I started my contribution by saying that I felt all of us here would know what is happening to Tasmanian people, to Tasmanian families who are struggling at the moment, because that is what I expected. That is not what I heard from the Government. I heard a list of things, of subsidies that the Government had paid, was paying recently, then a history lesson from a committee in 2011. That was the contribution from the Government: 10 minutes on the cost of living. We bring to this House the most pressing issue for Tasmanian families, and their contribution goes for 10 minutes. That is all they could bring to the table today. How out of touch could you be? What are they going to say tomorrow? What is the priority of this Government? A floating stadium? Will that be in the Budget tomorrow, while people are getting evicted from their homes?

While Mr Street was speaking, I received an email from my electorate officer. I will withdraw the names because I do not have their permission as yet. It said:

Hi Dean

This is why I am angry.

The residents have just been given their letter of notice to vacate their premises, 42 days' notice. The real estate agent took over management control of the existing NRAS leases recently on 21 May. They will pay the same rent as already established in their lease until the 42 days expires. The rent will be paid to the new real estate agent and any rent that was paid to the old real estate agent will be needing to be reimbursed.

This is the responsibility of the tenants to recoup. If during the 42-day period and the PRIS comes through, they can apply to stay. They can also apply to stay and pay market rent of \$450-\$460 a week.

These are pensioners, Mr Speaker. They are being asked to go into private rental of \$450 a week. They live right near my electorate office, right near Mr Street's electorate office. They have been asking this Government for help for months now. For months I have written to the minister for Housing about it, and I have contacted his office about it. Today while I was in here listening to the contribution on the cost of living from minister Street, I find out that they have got a notice to vacate.

That is this Government for you, that is being out of touch. That is not caring, not taking the issue seriously. That is what we are being left with - a government that does not care. It is more interested in building stadiums than helping with the cost of living. It has completely failed when it comes to housing. It is leaving more Tasmanians sleeping in cars, more people on the public housing waiting list. They come in here with 10 minutes, Mr Speaker, and there are only three of them here. We have five of us in the Chamber. In fact, Mr Speaker, I draw your attention to the state of the House.

**Quorum formed.**

**Mr WINTER** - Thank you, Mr Speaker. Just for *Hansard*, the member for Lyons, Mr Tucker, thought that was pretty funny.

**Mr Tucker** - I do. You called quorum in your own time.

**Mr WINTER** - He says he does.

**Mr Street** - You called 'quorum' in your own private members' time. Where are your members?

**Mr WINTER** - I have a lot of time for this, Mr Street. The reason I have a lot of time for this is because you spent 10 minutes on the cost of living topic. You were given the floor to talk about the cost of living, the biggest issue facing Tasmanian families, the biggest issue facing Tasmanian workers, and you spent 10 minutes talking about it.

**Mr Street** - All the respect in the world for the topic; not for your stunt motion though.

**Mr WINTER** - Minister Street thinks that he disrespects me by saying that. He does not disrespect me. He disrespects Tasmanian families. I just spoke about pensioners who have just received the 42 days' notice and we have Mr Tucker up the back laughing. He is still laughing.

**Mr Tucker** - I am laughing about you calling a quorum in your own private member's time, mate.

**Ms Haddad** - He probably has not spoken to anyone struggling in the Tasmanian housing market.

**Mr SPEAKER** - Order.

**Mr Tucker** - You do not understand.

**Ms Haddad** - So offensive to Tasmanians, Mr Tucker.

**Mr SPEAKER** - Order in the House. The member for Franklin has the call. Everybody else should not be interjecting.

**Mr WINTER** - Mr Speaker, we brought this motion on in good faith. I had a conversation with another member earlier about this. He said 'That is a good idea. Could I maybe be on the committee?' I said: 'We can talk about it. I am hoping that the Government will support the motion'.

**Mr Street** - Name up the member. The one you kicked out of your party?

**Mr WINTER** - It is not a particularly political motion. It is written in such a way the Government could support the motion. We had this debate beforehand where people were quite excited about working together. We heard all these great things about committees and how well they work, how they can resolve issues, and how they have worked in the past. Then we come in here and raise the issue - the issue as I have said is on the tip of the tongue of Tasmanian families right now. It has been talked about all through the federal election campaign, the issue that the new federal treasurer has just named up as being a critical issue for the whole of Australia, and all we get here with this Government is 10 minutes on a history lesson on committees from 2011.

It is staggering that this is what happened. All we were asking for was to have a proper look at this issue; for this House to do its job; for us to make a contribution, looking at a serious issue that is emerging - one that is here now and is growing steadily. In the context of Budget time, it is where decisions are being made about the priorities of this Government.

We have outlined one of our priorities today, which is addressing the cost of living crisis for Tasmanian families, and we have heard very clearly from the Government that it is not a priority for them. They do not think this is something that is worthy of this parliament's time when it comes to dealing with a committee - but it is also something they do not think is worth the parliament's time in terms of them standing up. They have offered one minister for 10 minutes, and when they had the opportunity for a second speaker, they sat around and looked at each other and I stood up to speak again.

Ms Haddad made the excellent point about what everyone is talking about. I cannot get over that you would think it is just a little issue, that you would not think it is important enough to -

**Mr Street** - It is not about the issue, it is about your stunt motion. I keep saying that. Bring something in here: a proposal or a policy that is different from ours that will better deal with the cost of living. That is all I am asking you to do.

**Mr WINTER** - That is what this does, Mr Street.

**Mr Street** - You are the alternate government.

**Mr WINTER** - I am not sure why I am standing here showing the minister how this works. The way this works, minister Street, is that we -

**Mr Street** - Oh, please, lecture me on parliamentary process.

**Mr SPEAKER** - Order. We are not in Committee.

**Mr WINTER** - Mr Speaker, you are quite right, we are not in Committee because we are trying to establish one - but the Government has said they are not interested in dealing with the cost of living issue.

As it turns out, despite all the cries of, 'Labor, what are your ideas?', we offered to sit down with them and go through how we could make things better for Tasmanian families - and they turn their noses up. They are just not interested in dealing with this issue at all.

I want to reflect on the conversation I had a couple of weeks ago. As I said in my first contribution, the issue that service providers are finding at the moment is that they are seeing Tasmanians who were supported really well through JobKeeper and JobSeeker during the pandemic, and whose savings have now eroded, and they are back in a worse position than they were before. We are seeing pressure on them when it comes to just basic services. We are seeing pressure on them when it comes to housing, with food relief being a big one.

During his very brief contribution, the minister talked about some funding for food relief. We know the demand for food relief is only growing, and it will continue to grow right across the electorate that I represent, and I am sure right across Tasmania, where Tasmanians who you would not normally expect to be needing that kind of support are now needing that support.

Ms Haddad, member for Clark, spoke about underemployment, and that is a big contributing factor to this. Not only do we have the lowest average wages in Australia here in Tasmania, but we also have this incredible underemployment rate that is contributing to households having less income to make ends meet. We have a situation where Tasmanians, on average, are paid 20 per cent less than the rest of the country, and that has been pretty steady over the course of this Government. It is not getting any better.

At the same time as we have wage growth which has not improved from being paid about 20 per cent less than the rest of the country, we have this incredible rise in the cost of living for Tasmanians. We have this very disappointing situation where Tasmanians are doing it very tough.

Mr Speaker, it is Budget day tomorrow. I have not been given much hope out of today's debate, but perhaps there will be some support for them; maybe I can try to be more positive. Perhaps there will be, as part of tomorrow's announcement, some targeted support to those who

need it most. I did not get that impression from the minister in his contribution. I got the impression that this Government is out of touch, and it does not understand. It does not give it the time of day. It is more focused on building floating stadiums than on the cost of living.

Will they fund the floating stadium tomorrow? That was the plan that was announced by the former premier, Peter Gutwein: a \$750 million stadium to be built here in Hobart. That was before he departed. We asked the Premier this morning about the floating stadium and he did not mention the word 'stadium' once. I do not think he said the word 'stadium'. He did not want to talk about it. I wonder what that means, because if it is going to be completed by 2027 - which is what the ambition or target was when it was announced - then they will need to have some capital in that Budget tomorrow. They need to have some money sitting there in the infrastructure budget ready to build the stadium, because you cannot just build it in the last year. It is going to take a while. They need some funding for the planning approvals, all the consultants. They have to deal with their own planning scheme and that will be a challenge.

What will the commitment be in the Budget tomorrow? Are they going to commit to the floating stadium that they have been so focused on over the past couple of months? Are they going to deal with the cost of living crisis for Tasmanian families? Will there be something in there that we are not expecting?

Perhaps this is a ruse. Perhaps this is to deflect from a cost of living focus tomorrow, but that might be ambitious, Mr Speaker. Tomorrow is the opportunity for the Government to show that it is in touch, that perhaps, unlike minister Street, it does understand the cost of living pressures on Tasmanian families.

We hope so, because when it comes to the cost of living, the residents I have mentioned - and there are about a dozen residents in the email that I read from - they cannot afford \$450 in rent. They really cannot. That is not within their means at all. They are pensioners and older Tasmanians. Most, if not all, are working, and all of them cannot afford to go into this private rental market that is the creation of this Tasmanian Liberal government. They simply cannot afford it. The 4000 people on the public housing waiting list cannot afford to go to the private rental market.

Housing is just one incredibly important component, but many Tasmanians need more support when it comes to utilities, food, transport, energy, water and sewerage. They simply cannot sustain what is going on for much longer. This is only going to get worse, and it is going to get broader as interest rates continue to rise - which is likely, but not certain.

If the RBA does take further action on inflation, if we continue to see CPI numbers in the next quarter in the way they have been coming out, then we are going to see the RBA needing to take action again. It was unprecedented when they took the action they did. I think they had never taken action on interest rates during a federal election campaign in history; correct me if I am wrong.

**Members** interjecting.

**Mr WINTER** - They had? Oh, in 2007 they did but it was very unusual for them to need to do something so quickly and yet that is what they had to do. That shows the urgency of the problem when it comes to inflation.

**Mr SPEAKER** - The time being 5 o'clock, the time for the debate has expired.

The question is that the motion be agreed to.

**The House divided -**

**AYES 11**

Dr Broad (Teller)  
Ms Butler  
Ms Dow  
Ms Finlay  
Ms Haddad  
Ms Johnston  
Mr O'Byrne  
Ms O'Connor  
Ms White  
Mr Winter  
Dr Woodruff

**NOES 11**

Mrs Alexander (Teller)  
Ms Archer  
Mr Barnett  
Mr Ferguson  
Mr Jaensch  
Ms Ogilvie  
Mrs Petrusma  
Mr Rockliff  
Mr Street  
Mr Tucker  
Mr Wood

**PAIRS**

Ms O'Byrne

Mr Ellis

**Mr SPEAKER** - Under Standing Order 167, the numbers being equal, my casting vote is given to the Noes. Therefore the Noes have it.

**Motion negatived.**

**ORDER OF BUSINESS**

**Waiver of Government Private Members' Time**

[5.06 p.m.]

**Mr SPEAKER** - As the time has passed 5 p.m. it is now time for Government private members' time.

**Mrs ALEXANDER** (Bass) - Mr Speaker, in accordance with Standing Order 42(d), I indicate that Government private members' time is waived for this day's sitting.

**SITTING TIMES**

**Mr STREET** (Franklin - Leader of the House) - Mr Speaker, pursuant to sessional order 18A, I move -

That for the day's sitting the House not stand adjourned at 6 o'clock and that the House continue to sit past 6 o'clock.

**Motion agreed to.**

## **ANSWER TO QUESTION**

### **Finfish Industry - Implementation of Committee Recommendations**

**Mr STREET** (Franklin - Leader of the House) - Mr Speaker, before I call on the next order of the day, the Minister for Primary Industries and Water has asked me to provide a brief clarification of an answer she provided in the House today, for the avoidance of doubt.

When the minister said:

Importantly, while the plan is being developed there will be no further increase in the leasable area of finfish farms in state waters ...

For the sake of clarity, she advises that she should have said:

Importantly, one of the principles underpinning development of the plan is that there will be no net increase in total leasable area for finfish farming in state waters, beyond the current allocations and those areas subject to current research permits that may result in approved lease areas.

I thank the House.

## **POLICE OFFENCES AMENDMENT (WORKPLACE PROTECTION) BILL 2022 (No. 15)**

### **In Committee**

**Resumed from page 46.**

#### **Clause 4**

Section 13 amended (Public annoyance)

**Ms O'CONNOR** - Mr Chair, to remind the House we had moved to delete paragraph (a) from clause 4. I was reminding the House that minister Barnett had issued an unlawful permit to the Chinese state-owned mining company MMG, over Helilog Road, which was identified by the Bob Brown Foundation's lawyers and, as it turned out, every trespass arrest that had been made on Helilog Road was therefore not properly made. I think some 37 charges were dropped against protesters, not dissimilar from the illegality around forest practices plans that led to the charges that had been levied against peaceful protesters defending forests also being dropped.

This minister certainly has challenges in applying the law under his own portfolio. We have been lectured in here today about so-called illegal protests, when indeed what we are talking about is people who are doing us all a massive favour. They are trying to defend those things which make Tasmania special in the world, but also our mighty carbon banks.

Clause 4 is the only clause in this legislation that Labor has indicated it will vote against. It is apparently perfectly happy, for example, for a Tasmanian to need to get permission from MMG or any other mining company that has a mineral tenement over land in Tasmania. I remind the minister, in case he has forgotten, that there are large tracts of public lands that are under mineral tenement and exploration licences - so the question is, does this apply also to land that is under an exploration licence? If you have a look at the map on the Mineral Resources Tasmania website, nearly all of that west coast takayna area that covers the Mount Read Volcanics is under some form of mineral exploration licence or mining licence.

Does this apply to land that is under an exploration licence as well? Do people who happen to be walking through parts of the Tarkine that have an exploration licence over them need to seek the permission of a dodgy mining company to walk on their own lands? The minister should definitely answer that question.

Clause 4 is also the clause that increases three-fold the penalties for public annoyance, and it seeks to insert the clause, to 'unreasonably obstruct the passage of vehicles or pedestrians on a street; or'. That is below the paragraph that we are seeking to delete.

Is the minister able to tell the House whether advice has been sought, whether it be from the Solicitor-General, or Crown law? We do not need to know exactly what the advice is, because we know what the answer is when we ask what the Solicitor-General's advice is, but on the constitutionality of these provisions and other provisions in the legislation.

In the letter that has been sent to the Speaker by the Human Rights Law Centre, TasCOSS, the Australia Institute, the Tasmanian Aboriginal Centre, Community Legal Centres and the Australian Democracy Network, the question is again raised about the constitutionality of seeking to curb the implied right to freedom of political communication that is in the Australian Constitution. I will read the relevant part from that correspondence:

It is disingenuous for the Tasmanian Government to claim that it will not 'put in place anything that will limit lawful protesting'.

This Police Offences Amendment Bill does just that. The High Court struck down a previous Tasmanian anti-protest law on the grounds that it breached the implied constitutional freedom of political communication. Without further amendments, there is a very real risk that this bill might face the same fate.

Does the minister have rock-solid legal advice that these amendments, which most certainly do seek to curb the right to peaceful protest, would hold up in the High Court should they be challenged? As we know, this is the Government's fourth attempt to silence dissent and crack down on peaceful protesters. The first attempt was comprehensively smacked down by the High Court of Australia and that is why we are still here.

Does the minister have rock-solid advice about the constitutionality of this legislation, and its substantially and unjustifiably increased penalties? The House and indeed Tasmanians should know whether the Government believes it is on rock-solid legal ground here.

**Mr BARNETT** - Thank you to the member for her contribution, reminding the minister of all the challenges the minister has, and on behalf of the Government and the people of Tasmania.

I will focus on the concerns the member has about the validity and constitutionality of the bill. To be sure, the Government in the normal course takes advice, and the department has taken advice from the Solicitor-General and is confident in the advice and the feedback. The department has undertaken its own research and taken its own advice, and has liaised broadly based on feedback from not just stakeholders but the community more generally.

The bill has been drafted with the decision of the High Court in *Brown v Tasmania* firmly in mind. First and foremost, it repeals the 2014 act in its entirety. That is on the public record - it is very clear. Second, by using the existing framework of the Police Offences Act, the bill makes slight increases to criminal liability, and instead focuses on penalties that are capable of serving as a proper deterrent.

**Ms O'Connor** - It will not work, just so you know.

**Mr BARNETT** - Through you, Mr Deputy Chair, the bill does not increase those police powers.

I turn to the question, 'Doesn't any law that impedes protest activity infringe the freedom of political communication?', which has been referred to by a number of members in this place. To be very clear, the implied freedom of political communication does not permit people to trespass on the land of others, only because the person entering the land wishes to make a political point, a political statement or any statement whatsoever. That is set out in the *Brown v Tasmania* case, paragraph 380, Justice Gordon.

Writing about freedom of speech issues in March 2019, the former Chief Justice of the High Court, Chief Justice French said, and I quote:

The importance attached at common law and international law to freedom of speech does not convert it into a right which can be exercised inconsistently with the rights and freedoms of others. It does not carry with it a right to go onto private land in order to express a particular view. It does not carry with it a right to go onto land when access requires permission, for example by a public authority controlling the land for particular purposes.

There are, and always have been, limits. It does not carry a right to protest against the speech of others by shouting them down or otherwise acting to prevent them from speaking. The Government is very confident in the validity of this bill.

**Dr WOODRUFF** - Mr Deputy Chair, I have a few points to make about this clause. I have a very strong feeling of Ground Hog Day here, because when we raised the issue with the Government in the 2019 workplace anti-protest legislation, we were likewise given no assurance that the Solicitor-General had provided advice about the constitutionality of that particular legislation. As it turns out, probably the reason that legislation is not the one that is before us today is because it was unconstitutional.

The 2014 version of this bill - the first one the Liberals brought in, the first of four - was found to be unconstitutional, and was struck down by the High Court with the Bob Brown case. What we have before us is a repetition of the same sorts of problems that have brought those previous bills unstuck. It goes to a number of matters - the nebulous language and unreasonable constraints on people's right to protest, in this particular section, on a street. This seeks to prevent people from unreasonably obstructing the passage of vehicles or pedestrians on a street.

In particular, I want to mention the words of Ben Bartl from CLC Tasmania about this. He said:

... making it an offence to "unreasonably obstruct the use of any street" contains expansive phrasing. The expansive phrasing of the provision means the offence will apply in circumstances where persons are obstructing any street, regardless of whether the protest activity obstructs access to a particular business.

In other words, this is such a wide power that it is essentially untethered from the purpose that the bill states to seek, which is about workplace safety. It does give the power for it to become an offence if a person is obstructing any street regardless of whether they are obstructing access to any particular business. Ben Bartl goes on to say:

It is likely the proposed offence is a breach of the United Nations Human Rights Council Resolution 38/11 entitled *The promotion and protection of human rights in the context of peaceful protest*, which calls upon States including Australia "to facilitate peaceful protests by providing protesters, to the extent possible, with access to public space within sight and sound of their intended target audience ...

Minister Barnett might not like people raising their voices and might not like people shouting, but it is nothing to do with him. It is our right as an Australian to be able to voice our protest which does necessarily involve raising your voices in situations, so that you are heard, often over the jeering, clamouring and name calling of people who are walking past who do not agree with you. I make no comment about how people conduct themselves, except that it is the right of people to be able to make statements, especially when they think unlawful activities are being undertaken.

It is the CLC's opinion that the proposed amendment is likely to have a chilling effect on the right to peaceful protest, particularly spontaneous protests that occur without a police permit, with some members of the community being unlikely to protest for fear of being charged. He says the use of the word obstruct may see otherwise peaceful protesters targeted. Among the definitions of 'obstruct' the Macquarie Dictionary provides the following definition:

Obstruct: (1) to block or close up, or make difficult of passage, with obstacles, as a way, road, channel, or the like. (2) To interrupt, make difficult, or oppose the passage, progress, course, etc.

He says:

It is likely that a protester handing out leaflets outside a bottle shop or supermarket calling for a boycott of Russian vodka/caviar will be captured

by the proposed amendment. Or, a person or group of people protesting outside a business that has been underpaying employees or has unsafe work conditions. Both of these examples are likely to meet the dictionary definition of "interrupt, make difficult or oppose the passage, progress, course, etc".

Mr Chair, it is also the case that TasCOSS has made some points around this, and they are also of the view that the bill may capture activities that fall outside the scope of the stated objectives of the bill. The subsection is so broad, it could criminalise a range of activities that are unrelated to protest such as criminalising the use of public spaces such as footpaths by people experiencing homelessness or sleeping rough.

There are concerns about the potential for the broad interpretation of this particular provision and certain communities including young people, people experiencing homelessness, and Aboriginal Tasmanians are more likely to come into contact with the police when using a public space. The potential impact of new offences criminalising the use for public space for these communities who are more likely to have their activities monitored and policed are of a concern to TasCOSS. Mr Chair, it is in fact the broadness of this particular part of the clause which is a problem.

The environmental defenders office has also noted that the obstruction of businesses or undertakings might be applied even in circumstances where a particular business or undertaking is not the target of the trespass or protest activity. For example, a peaceful protest at the entrance to a lobby or building accommodating a minister or department that also accommodates other businesses might result in the protesters being exposed to significantly higher penalties, even though those businesses were not the target of the protest.

In this particular part there are no definitions of the words 'obstruct', 'business', or 'undertaking', which is a problem because there is no definition, either, of 'unreasonable' and it would be very difficult in this context for a court or a magistrate to be able to make a determination on what reasonable or unreasonable is because of the ill-defined words and the breadth of activities that this is seeking to capture.

[5.26 p.m.]

**Mr BARNETT** - In response to the member, to be very clear, the Government's position is one that differs from that of Mr Bartl and it is a view that it is incorrect to rely on a dictionary definition. There is relevant case law in this respect.

**Dr Woodruff** - What is the definition of the word 'obstruct' in that? What is the meaning then? You are writing the law. What does it mean?

**Mr CHAIR** - Order, Dr Woodruff.

**Mr BARNETT** - In the context of a highway, obstruction requires the lessening in a substantial degree of the commodiousness of the use of the highway for legitimate purposes by using it for purposes other than a highway, and that is set out in *Schubert v Lee* (1946), Commonwealth Law Report, page 594; likewise, in *Roy and Briggs*, 1987, Victorian Report, page 924. 'A trivial act or even an act which could not reasonably be regarded as an obstruction would not fall within the definition' and that is from *Darlaston v Parker and Others*, 2010, Federal Court of Australia, page 771, paragraph 52. The High Court in *Brown* noted that

'obstruction' involves significant obstruction. I have made it clear on the summing up, and again today, that we are talking about significant and substantial obstruction.

I note also that we amended the bill to clarify the definition of 'unreasonable obstruction'. I have referred to the High Court case in Brown, and another in the State of Tasmania on a number of occasions. I am not going to repeat what I have said before, but I would like to confirm on record again that I appreciate the amendment put forward by the Leader of the Opposition, on behalf of the Opposition, but to indicate again, we cannot support that amendment and likewise we will not be supporting the Greens' amendment.

I draw to the attention of this Chamber in terms of the argument put by the Leader for the Opposition, with respect to this clause going too far, purportedly, from the Opposition's perspective and ask the question: why is it that state and federal Labor members criticise the continual interference in a roadway, the continual obstructing of vehicles in a roadway, whether it is to a mining lease, forestry operation, salmon farm -

**Ms O'Connor** - That is what this is all about: protecting your corporate donors.

**Mr BARNETT** - It is certainly doing everything we can to protect our productive industries which are very important in Tasmania: forestry, mining, agriculture, fishing; with the support of the Tasmanian Chamber of Commerce and Industry; the Tasmanian Small Business Council and the various peak bodies for those sectors that I have referred to.

I ask the question of the Labor Party Opposition and those listening as to why it is that they continually criticise whether it is radical protesters or activists or others who obstruct a roadway. Why is that? If you think the law is adequate, think again because the law is inadequate. That is why the Government has tried after a mandate on three occasions at the election to bring in legislation that would deal with this matter. That is why clause 4 is really important and I urge those listening to consider the merit of clause 4. The law is currently inadequate and that is exactly why we are acting on this.

In conclusion, we cannot support the amendments from the Labor Party and the Greens. There has been a thorough debate and discussion on clause 4 and I will not add anything further at this time. Thank you.

**Mr CHAIR** - The question is that the amendment be agreed to.

**Mr BARNETT** - Which amendment?

**Mr CHAIR** - The Greens' amendment. They are voting against the Labor amendment as far as I understand because they are against the whole of clause 4.

**Ms WHITE** - I seek your advice. I understand from advice that the Clerk provided that that amendment was not necessary so the amendment before the Chair should be the Greens' amendment.

**Mr CHAIR** - That is correct.

**Dr Woodruff** - There is no Labor amendment.

**Mr CHAIR** - You are voting against their clause. We are voting against the Greens' first amendment. The question is that the amendment be agreed to.

**The Committee divided -**

**AYES 11**

Dr Broad  
Ms Butler  
Ms Dow  
Ms Finlay  
Ms Haddad  
Ms Johnston  
Mr O'Byrne  
Ms O'Connor  
Ms White  
Mr Winter (Teller)  
Dr Woodruff

**NOES 11**

Mrs Alexander  
Ms Archer  
Mr Barnett  
Mr Ferguson  
Mr Jaensch  
Ms Ogilvie  
Mrs Petrusma  
Mr Rockliff  
Mr Shelton  
Mr Street  
Mr Wood (Teller)

**PAIRS**

Ms O'Byrne

Mr Ellis

**Mr CHAIR** - In accordance with standing order 257, the numbers being equal, I cast my vote with noes.

**Amendment negatived.**

**Ms O'CONNOR** - I move our second amendment -

Page 4, clause 4, paragraph (b).

Leave out the paragraph.

That is the paragraph which inserts in the Police Offences Act the words:

- (ea) unreasonably obstruct the passage of vehicles or pedestrians on a street; or

No one should be under any illusion about what a significant extension of the nuisance provisions in the Police Offences Act this proposed clause is. As Dr Woodruff pointed out earlier, there is ambiguity around the language. There is no definition of the word 'obstruct', just as in the legislation there is no definition of 'business' or 'undertaking' provided in the legislation or in the principal act.

We did not get a straight answer from the minister about whether the advice on the constitutionality of this legislation is rock solid. We know that. The first embarrassing attempt on this minister's predecessor's part, Mr Harriss, to introduce legislation that criminalised peaceful protesters was found to be unconstitutional by the High Court; we know that. It was

found to impinge on the implied right to freedom to political communication in the Australian Constitution.

We have provisions being put into the Police Offences Act that will basically lead to a potential jail term for a person who is standing in front of, or protesting outside, the Forestry Tasmania headquarters in Melville Street, I think it is now.

We have a provision going into legislation which means that if a coastal community protests outside on the street - for example, the street in Nubeena that leads down to the Tassal fish farm, because they see the green slime that ends up on the beaches around the peninsula, particularly on White Beach - that potentially criminalises members of that coastal community for doing that. It expands the public annoyance provisions in the Police Offences Act very significantly.

We understand this Government and this minister's antagonism towards the Environmental Defenders Office, but they provide an essential public service with high-quality legal advice and they should be properly funded by government. Lawyers who work for the EDO have made it very clear that the ambiguity and the language in these provisions is problematic. The EDO says:

The bill, proposes aggravated penalties where a person or body corporate obstructs a 'business or undertaking' while trespassing, or where a person takes an action which causes business or undertaking to be obstructed.

There is no definition of the words 'obstructs', 'business' or 'undertaking' provided under the bill, and no definition exists in the act, or the Acts Interpretation Act of 1931. The ordinary definitions of these words are necessarily broad, and the words 'business' or 'undertaking' are not tied to particular locations, premises or lawful activities, as they are in this proposed amendment.

This gives rise to significant uncertainty around when the aggravated penalties provided for under the bill might be imposed by the courts. Furthermore, the aggravated penalty for trespass resulting in the obstruction of a business or undertaking - which we know is part of this legislation - might be applied even in circumstances where a particular business or undertaking is not the target of the trespass or protest activity.

Could the minister respond to the questions that have been raised by lawyers who work for the Environmental Defenders Office, who are specialists in this area of trespass law? They are very fine specialists in planning law. They are concerned by the ambiguity around those key words - and the vagueness, for example, of a word like 'unreasonably', which is in this proposed amendment. What does that mean?

Is the minister able to respond to the hypothetical situation where a small group of people are protesting outside Forestry Tasmania headquarters because they recognise that Forestry Tasmania, under government policy, is driving species like the swift parrot to extinction, sending millions of tonnes of carbon into the atmosphere every year, exercising their right to peaceful protest on a public thoroughfare - say the footpath - are those people captured in this clause? I think the answer is 'yes'.

I give a nod and thanks to the people who step up as part of Extinction Rebellion. That entity, which is now an amorphous, vast global group of people from across all age groups and all walks of life really worries corporations and their political enablers in government, because basically Extinction Rebellion's core mission is to disrupt and therefore prevent or slow down the destruction of the planet's life support systems.

It is pretty clear that this proposed addition to the public annoyance provisions and the Police Offences Act is meant to stop people from standing up for a safe climate, for a healthy atmosphere, for creatures that are being driven to extinction.

Could the minister respond to the EDO's concerns? Perhaps the minister, on behalf of young people, could speculate or give a response to the motive of people from Extinction Rebellion, or the Bob Brown Foundation, or any other protest group or group of people who want to prevent climate breakdown. What are they supposed to do? What does he suggest these people - who are desperate and stressed about the state of the planet - do in order to make a really important point?

The point is, business as usual is not an option. Business as usual has got us where we are now, where we have the planet overheating and where we have massive forest loss across the planet. We have mega-fires as a result of increased carbon emissions and the loss of carbon banks. Do groups like Extinction Rebellion need to get permission to do a nice, safe, little, completely pointless protest exercise in someone's backyard? Is that what the minister suggests that they could do?

We do need some clarity around the language that is used in this particular clause, which I know concerns Labor - as it should, because it dramatically increases the scope of the public annoyance provisions in the Police Offences Act, and it provides no guidance to a court should a person come before it, charged under this provision, as to what 'unreasonableness' is. It does not define 'obstruction'. It also potentially makes every thoroughfare in Tasmania a place where people cannot exercise their right to peaceful protest. The question needs to be answered.

[5.47 p.m.]

**Mr BARNETT** - In response to the member, I would first like to make a few comments with respect to what members of the public can do. They can exercise their democratic rights. They can vote, which they have done just last weekend. Importantly, in a democracy like Australia, which we strongly support and honour, they can exercise freedom of speech, they can protest peacefully, and they can do that legally.

I have long been an advocate for freedom of speech, both in the Senate and in this place, together with other members of this side, and I know other parts of this parliament support freedom of speech and the right to protest. That is absolutely fundamental in Australia and it is fundamental for this Government. Premier Rockliff just said that in recent days, and we back it in. We have just had an election and you are entitled to vote.

In terms of protesting, we recommend and support it being done legally. We, as a Government, stand on the principle of freedom of speech, freedom to protest. Democracy in Australia is sacrosanct. We have just had an election with no guns fired, no weapons used. That is of great merit to democracy and to the country of Australia.

**Dr Woodruff** - That is a very low bar. Scott Morrison tried that when women came to protest about Brittany Higgins as his excuse for not going outside. What a low bar.

**Mr CHAIR** - Dr Woodruff, do you want me to give you a warning for it? You were heard in silence and the member is meant to be heard in silence.

**Mr BARNETT** - Thank you, Mr Chair. I was responding to the comments and remarks made by the Leader of the Greens.

I have confirmed that the department has taken advice. We are very confident in this legislation and the validity and constitutionality of it. Many of the remarks by the former speaker related to the importance of Extinction Rebellion and its rights and activities in Tasmania today. There were comments about the importance of funding the EDO. What this says to me is that the cat has been belled. What we do know is that the Greens have tabled 17 amendments, if not it is around 17. This is the second amendment where the Leader for the Greens has spoken at some length about the funding for the EDO.

**Ms O'Connor** - So what?

**Mr CHAIR** - Order, Ms O'Connor.

**Ms O'Connor** - You were all for freedom of speech until it impinges on you.

**Mr CHAIR** - Do you want me to give you a warning?

**Ms O'Connor** - No thanks, Chair.

**Mr CHAIR** - Thank you. Hear the minister in silence, please.

**Mr BARNETT** - She has spoken about a whole range of things not related directly to this particular clause. We have covered many of the arguments for and against this particular clause. I have made it clear in the summing up and earlier today that the penalty is insufficient. I have made it clear that the offences of being a pedestrian or driver obstructing the path of another driver or pedestrian or obstructing a road under the Roads and Duties Act are each punishable by a maximum fine of five penalty units, which amounts to \$865.

Those penalties are inadequate. I have referred to the Road Rules 2009, the Roads and Jetties Act and other similar acts. They are not subject to a power of arrest. The bottom line is that the law is currently inadequate. We need to improve and strengthen the law. That is what we are doing with clause 4. Obviously, the Greens have a view that they wish to have a debate and have a discussion on every single paragraph and, I would put it to you, Mr Chair, delay the discussion and debate in a very unnecessary manner.

**Ms O'Connor** - No, clause 4 is a very problematic clause.

**Mr CHAIR** - Ms O'Connor, I am going to give you a warning now.

**Mr BARNETT** - I have a list of your 17 amendments to each clause and each sub-clause. I was just drawing that to the attention of the House. We are very confident in this bill. I have

made the points with respect to the importance of this clause and this sub-clause. I do not wish to add anything further at this time.

[5.53 p.m.]

**Ms JOHNSTON** - I heard the minister talk about his defence of people being able to legally protest. This particular clause where it would insert a new classification - public annoyance - 'unreasonably obstruct the passage of vehicles and pedestrians' - creates such doubt, or it would do, in the minds of the community, anyone who is contemplating protest action or wanting to speak out about an issue that they feel passionately about.

Those two components of the offence, 'unreasonably' and 'obstruct' are not defined. The person who is contemplating any action - speaking out, protesting, who may want to be doing this legally - has to satisfy themselves whether what they are doing is an obstruction. As Ms O'Connor said, is one person standing outside a business an obstruction? Maybe not. Two? Three? Four? Do you need to block the entire path?

What happens if you are making it difficult for someone to walk past? What happens if you can still walk past but have to go onto the road? Is that still an obstruction? It is so badly defined. There are so many different circumstances or environments where people might be protesting. The idea that the ordinary person would know immediately whether what they are doing is an obstruction is absurd.

Then if you add onto that the requirement that it is unreasonable, how does someone know if what they are doing is unreasonable? It is contextualised. Is it unreasonable for one person to stand outside an office and to speak loudly, and shout, and to interrupt business? It is unreasonable for two? Three? Four?

What happens if it is a particularly serious issue that they are protesting about that they feel passionate about? What happens if my daughter is looking to enter the workforce and is appalled at some of the wage conditions at certain places and what her classmates are being paid? She has often said 'I should go and protest at that particular business; they are not paying their staff enough'. What happens if she and her friends at school protest outside a business about that? Is it unreasonable that they are passionate about the wages that their classmates are being paid? Is it unreasonable for people to speak up? When does it become unreasonable?

This is the problem with this particular provision. There is so much doubt that the ordinary person, to whom this law would apply, has no way of knowing if what they intend to do in exercising their democratic rights in participating in political debate would be captured by this. It is not good enough to suggest that there is case law or that courts will be able to easily determine this. We are talking about ordinary Tasmanians who are passionate about issues and things that happen in their lives, wanting to be able to speak out. Yet they will be captured by this. Worst case scenario is that they will be scared, be frightened off by the threat of being prosecuted.

I do not want to live in a state where people are too frightened to speak up. If we live in state where people are too frightened to speak up, we will not have victims/survivors come forward. We will not have people calling out against the destructions of our forests; we will not have people calling out bad workplace practices. That is not a state that I want to live in.

This is far too broad and it has an absolutely chilling effect. I support the Greens' amendment to remove this particular provision. It is unnecessary. We already have legislation which deals with the kinds of things which I suspect Mr Barnett wants to deal with, but this is going far too far.

**Ms WHITE** - I want to make it clear that we do not support this clause at all, and we will be supporting the amendment that is being moved. As I have already stated, we oppose clause 4 in the bill; we think it is unnecessary and an overreach. People should and do have the right to protest, the right to object, the right to assemble, the right to disrupt and disobey, not to an unlimited degree, but they have that right in our democracy.

It is how so many of the achievements of the labour movement have been gained over generations. The right to protest, particularly in public places, is something we have to protect. The very broad definition here is of great concern to us and we do not support it. There are other provisions in different bills that can capture this type of behaviour. It should not be something that the minister tries to deal with through this bill. I want to put that on the record again and indicate our support for the amendment.

**Dr WOODRUFF** - This adds a huge scope to this bill. It provides enormous powers, and it also provides a great deal of discretion for the police in interpreting the powers. Fundamentally, this is a huge change to this clause in the Police Offences Act, section 13. Subclauses (a) to (e) in section 13 are essentially about behaviour; it is about the manner of the person and how they are in a public place. Whether they are disorderly or violent or disturbing the peace or jostling or insulting people, that is about behaviour.

This, however, is completely different. This is about spacial placing of a person in a public space, and it is about unreasonably, and completely undefined words. The words are: 'unreasonably obstructing the passage of vehicles or pedestrians on a street'. The minister is being a little bit disingenuous in the way that he has described this. Essentially, the examples that you have given are of a person blocking a road. You have the word 'vehicle' in here, but 'pedestrians' are also in here as well.

The Police Offences Act describes a street far more broadly. It in fact extends to and includes any road, square, court, passage, alley, thoroughfare or public way or footway, any place of public resort and any avenue leading thereto. Any public space that a person can move through on publicly-owned land in Tasmania, would be covered under this subsection and any obstruction of that, reasonable or unreasonable to be defined and to be at the discretion of the police officer at the time, would be considered an offence. That is incredibly broad and unjustifiable. You have to look at the sort of situations that would potentially enable a person to be charged, for example, in Salamanca Market, if you are handing out pamphlets outside a cafe or you have a placard of any sort in the Salamanca Market, if you are asking for a petition to be signed in a public park or if you are filming on a public road.

Let us not even get started about local cafes. Some of us might find it a bit annoying to have sandwich boards littered all over the footpaths, but hey, it is hard for small business owners to get a look-in in the business place at the moment. I understand why sandwich boards need to be out there and there is quite a lot of latitude given by most people. It would be totally legitimate for a complaint to be made under this subsection, so that any sandwich board of a business owner would be definitely unreasonably obstructing, could be argued to be unreasonably obstructing a person as they are walking down a footpath and I do not think

anyone here would want that to be the interpretation, but it could be an argument that is made. It is an example of how crazily broad this is and how damaging it is and the unintended consequences of it are huge.

To the point of the purpose of this bill, fundamentally this is not about roads, this is about every public place. It is actually about the Government's will to close down the sorts of uncomfortable protest actions that occur in Tasmania and it would be entirely possible under this for any person who was handing out, or standing or wearing coloured clothes and speaking in a loud voice about topics that the minister or the government of the day takes offence to, to be charged and possibly convicted under it.

Minister, can you please confirm whether it is the case that the obstruction of a business or undertaking could be applied even in circumstances where a particular business or undertaking is not the target of the trespass or the protest activity? In other words, this is not clear to whom the unreasonableness pertains. Is it to the business that is concerned, or to another business?

**Mr BARNETT** - In response, I think we are simply repeating matters and debating matters that were raised in the first Greens amendment.

**Dr Woodruff** - Absolutely not true. We did not read that out.

**Mr CHAIR** - Order.

**Dr Woodruff** - I have not talked about that once.

**Mr CHAIR** - Order, Dr Woodruff.

**Mr BARNETT** - I have made it clear in this place, I have said many times, that unreasonably obstructing the passage of vehicles or pedestrians on the street is already an offence and inserting it in express terms in the Police Offences Act provides certainty for everyone, certainly for the police, protesters, the community, in general. It is required to be both unreasonable and an obstruction. I have said that. Let me add to it -

**Ms O'Connor** - But not you are not defining 'reasonableness' -

**Mr CHAIR** - Ms O'Connor. Please let the minister answer in silence.

**Mr BARNETT** - It is accepted that there will be times when the obstruction of a road is unavoidable or serves a legitimate purpose. I will give you an example: a car accident. A car accident occurs and the road may be obstructed but it is clearly not unreasonable. Circumstances occur. This is not unusual. The term 'unreasonable' is used in a whole range of laws and regulations including the Road Rules. The legal sector is very comfortable with the word. As I say, it has been used in a range of legislation and regulations. The example of holding a placard to get a signature, I mean seriously. Some of these examples are getting silly; it is a misplaced concern. Why is there such a concern about the alleged breadth of this new element? If it has very specific elements, it appears -

**Dr Woodruff** - Because of the fuss you made about the protest at the Forestry Building recently, which was simply that -

**Mr CHAIR** - Order -

**Mr BARNETT** - That the concerns raised support the current use of section 13 -

**Dr Woodruff** - Excuse me, Chair. For clarification. Point of order.

**Mr CHAIR** - Order, you were heard in silence. I expect you to give the minister the same respect.

**Dr WOODRUFF** - Thank you, Chair. Just a point of clarification. We have usually been able to have a backwards-and-forwards conversation in the Committee stage of the bill and that is normal particularly in terms of asking points of clarification. This is how we do the business of asking backwards-and-forwards, particularly around the details of questions and the interpretation of particular words -

**Mr BARNETT** - I am trying but I do not seem to be having the opportunity.

**Mr CHAIR** - Yes, I realise that, minister. You are trying to talk over the top of the minister. That is not having a conversation, Dr Woodruff. Please refrain from what you are doing and give the minister the opportunity to answer your questions.

**Mr BARNETT** - I was concluding by making the point that it seems that members on that side, Labor and Greens, already support section 13. Section 13, if you read it, already has very broad elements in it, such as 'jostle,' 'annoy' 'commit a nuisance'. The concern you are raising is, frankly, way overblown, it is misplaced and I think you are trying to talk it out to unnecessarily lengthen the debate.

**Mr CHAIR** - The question is that the amendment be agreed to -

**The Committee divided -**

**AYES 11**

Dr Broad  
Ms Butler  
Ms Dow  
Ms Finlay  
Ms Haddad  
Ms Johnston  
Mr O'Byrne  
Ms O'Connor  
Ms White  
Mr Winter (Teller)  
Dr Woodruff

**NOES 11**

Mrs Alexander  
Ms Archer  
Mr Barnett  
Mr Ferguson  
Mr Jaensch  
Ms Ogilvie  
Mrs Petrusma  
Mr Rockliff  
Mr Shelton  
Mr Street  
Mr Wood (Teller)

**PAIRS**

Ms O'Byrne

Mr Ellis

**Mr CHAIR** - The results of the division is Ayes 11, Noes 11. Therefore in accordance with the standing order 257, I cast my vote with the Noes.

**Amendment negatived.**

**Ms O'CONNOR** - Mr Chair, I am somewhat concerned that the minister is framing it up to gag this debate. We have heard him mention a number of times and bleat about the fact that the Greens have 17 amendments, as if that is some sort of affront to the progress of this bill.

The fact is, it is now eight years since the first piece of legislation failed and brought us to this point. You have a bill here that fundamentally undermines the right to peaceful protest and seeks to silence or stifle dissent, and we have a Government that looks like it is itching to gag debate on this bill. We have in our clause 4 -

**Mr CHAIR** - Ms O'Connor, I need to bring to your attention that you need to talk about the actual amendments that you are moving.

**Ms O'CONNOR** - I am about to do that. Thank you. I am simply observing that I can see the minister is irritated with having to answer questions put by respected legal organisations like the Community Legal Centres, Environmental Defenders Office, Human Rights Law Centre, and irritated by questions that the Greens actually have a moral and ethical responsibility to ask. I can see that the minister is framing this up. I can see the leader of Government business has come into the Chamber, and if that is the way it is going to be, well, the new spirit of cooperation that he promised us will have been smashed to smithereens.

Mr Chair, I move -

Page 4, clause 4, paragraph (c).

Leave out the paragraph.

These are where we are getting into the penalties. This seeks to insert a provision that a penalty not exceeding 10 penalty units, or to imprisonment for a term not exceeding 3 months in the case of an offence under subsection (1).

This is what makes this bill in significant parts so odious and ominous, because it will criminalise peaceful protest and potentially lock up young people who are desperately fighting for a safer climate and some hope for the future for up to three months.

I move that amendment, and if I could just re-state the bleeding obvious to the minister in this Government: this will not work. It is not going to work, because the people who are such an irritant to corporations and this Government will not be put off by higher penalties and jail terms, just as the people who fought to prevent the damming of the Franklin River were not put off by penalties and jail terms. People like Bob Brown and Christine Milne, who have spent time at Risdon Prison - not happy about it, but were willing to go to jail on a matter of principle in order to defend nature.

To even consider gagging debate on this bill - if that is what is happening here - is emblematic of the problem with this legislation, which seeks to silence dissenting voices. I

simply say to this minister and this Government: you better build a bigger prison. You better do that because, increasingly, people are not going to cop it. The loss of their waterways to companies like JBS. The pollution of their beaches. The devastation of their forests and carbon banks. Are you looking to the leader of Government business, Mr Chair, to get some guidance on where we go here, on the attempted gag?

I move that this not be part of the Police Offences Act, because to jail someone for up to three months for creating a public annoyance is disgraceful. It is criminal and unethical.

The minister, despite repeated questions about the loose language in this legislation, has not answered them adequately. He has not answered adequately the questions about the constitutionality of this bill - and has not, in any way, justified why it is apparently acceptable to lock up someone for three months for standing outside the Forestry Tasmania building to protest Forestry Tasmania's continued pillage and plunder of this island's forests.

The same goes for union members who might want to protest outside a business where they are having their wages stolen. This Government wants to lock up union members for up to three months for exercising their right to take industrial action, whether they have a permit for it or not. I actually thought Ms White made that point pretty well.

I move that we do not try to lock up people for up to three months. It is such a disproportionate penalty for being a public annoyance. That is the clause in the principal act that has not been justified in any way by this minister, and it simply will not work. Build some more bunks at Risdon, because they are coming.

It is my sincere hope that this legislation will fail somehow - but I am not sure it will, because Labor will cave on the other parts. It is my sincere hope that clause 4 of this legislation does not survive its passage through both Houses of this parliament, because it is a frightening extension under the Police Offences Act to the nuisance or public annoyance provisions.

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### **Bill Declared Urgent**

**Mr STREET** (Franklin - Leader of the House) - In accordance with the provisions of Standing Order 116, I declare the Police Offences Amendment Workplace Protection Bill to be an urgent bill.

**Mr CHAIR** - The question is that the bill be considered an urgent bill.

**The Committee divided -**

#### **AYES 11**

Mrs Alexander  
Ms Archer  
Mr Barnett  
Mr Ferguson  
Mr Jaensch  
Ms Ogilvie  
Mrs Petrusma  
Mr Rockliff

#### **NOES 11**

Dr Broad  
Ms Butler  
Ms Dow  
Ms Finlay  
Ms Haddad  
Ms Johnston  
Mr O'Byrne  
Ms O'Connor

Mr Shelton  
Mr Street  
Mr Wood (Teller)

Ms White  
Mr Winter (Teller)  
Dr Woodruff

## PAIRS

Mr Ellis

Ms O'Byrne

**Mr CHAIR** - In accordance with Standing Order 257, there being an equality of votes, I cast my vote with the ayes.

### **Motion agreed to.**

**Mr STREET** (Franklin - Leader of the House) - Mr Chair, I move -

That all remaining stages of the Bill be completed by twenty-five minutes past eight o'clock p.m. today.

[6.25 p.m.]

**Ms WHITE** - This is just shameful. We have worked through the course of this bill to date, in pretty good faith, I would say, Chair. Over the course of a period of time when the bill was first presented in draft form, calling for submissions, from our point of view, we have tried to engage with the Government, meeting with the Government about the types of protections that we would like to see for protest activity and to make sure that workers are safe.

Our amendments have been provided to the Government well ahead of debate on the bill today. Yet now, the Government has decided to call it quits. This is not going to go well for you, minister.

If you think that the members in the other House are going to look favourably on how you have treated the bill in this place, then you are very wrong. There are a number of amendments that I know have been flagged already by members of the Greens. We have indicated amendments that we wish to move and debate. The guillotining of this debate so we only have a further two hours to debate it, through all of its clauses will not allow us sufficient time to go through this, and you know that.

To be honest, what is the rush? I mean, we have been here before where you have guillotined debates on precisely this type of legislation, that you have then left in the upper House for 12 months or more. So much for being urgent. It is just another major stuff-up on your behalf. You stuffed up the first time around, bringing in unconstitutional rubbish that was thrown out by the High Court. Did nothing to protect workers, or support the industries that you reported to be doing it on behalf of. You have come back into this place in the past, with another piece of rubbish that you said was urgent. Played the same stupid game where you guillotined debate, and sent it to the upper House, where they did nothing with it for more than 12 months. So much for being urgent, and now you are doing exactly the same thing again.

Do you know what they say, Chair, about people who do the same thing over and over and expect a different result? The minister does. This is a very poor reflection on you, minister. I know the industry will not be satisfied by this approach, because they have been asking for you to do a better job of this for a very long time, to work in a more collaborative way and

actually get an outcome that keeps their workers safe from protest activity that is disruptive to them, that has the potential to put their lives at risk, or the lives of the protesters at risk. I think they thought that finally you had listened, and you had finally come to the parliament with something that was not just a political wedge.

We were going through the process of debating the particular clauses that we felt were still unjustified. They are unjustified. Clause 4 is a perfect example of something that does not need to be in this bill to give effect to the intent which is to keep workers safe in their workplace. That is why we do not support it.

We probably will not be able to have a full and proper debate on this because you have guillotined the debate again. It is an utter disgrace. You have stuffed it up again. The upper House is not going to receive this very warmly. I do not know how you feel you are going to deal with the members in the other place if they do not feel that this Chamber has had the opportunity to properly examine each of the clauses. I know they are forensic up there. I have every reason to expect that they will be very thorough in their examination of this bill. In fact, this kind of stupid behaviour risks derailing the good intention that we could have seen achieved from this bill, which was to protect workers in their place of work. If that happens, then this is your fault.

**Ms O'CONNOR** - Oh, Mr Chair, such champions of free speech, this Government, are they not? Bleating about legitimate amendments that are perfectly well-drafted, that highlight the over-reach and the deficiencies in this legislation. Massive champions of free speech, until it impinges on them, until it inconveniences a minister who cannot give a straight answer.

We have had four cracks at this legislation. The first one was ditched by the High Court. The second time, gagged again, before it went into Committee, and it was panned by constitutional experts. It was so urgent, it sat upstairs for a year. I do not remember exactly what happened to the third one but that was another dog of a bill, an attempt to put a shine on a cowpat, and now we have this bill where debate has been gagged only in the fourth clause.

Where is your stamina, minister? I remember debates, for example, on the Pulp Mill Assessment Act, where at least Labor let it run into the night. I remember, because I was there, the debate on the Tasmanian Forest Agreement, which was debated for hours and hours through the clauses, and when we stepped outside the sun was rising. That is when at least you have a government that respects the process. We are not a rubber stamp, and Dr Woodruff and I have done a huge body of work on this bill and we sought to represent the legitimate concerns of civil society which have been concerned, dismissed and indeed, in part, ridiculed by this minister and this Government.

It is such a poor effort. We have just gotten through the second reading, and we are only the second substantive clause of this amendment bill, and the Government wants to gag debate. It is so weak. This minister does not want to deal with the Greens' amendments. That is basically what this is about: the Greens' amendments which recognise the grotesque overreach of this legislation, and not just in clause 4. Seventeen is not a lot of amendments. Mr Barnett was not in this House when we debated the Tasmanian Forest Agreement, and we had Liberal opposition members get up over and over again, over hours, not presenting any amendments from my recall - I might remember that incorrectly - but I do not think there was any attempt to make the legislation any better or to act as legislators.

I could see this coming: it is pathetic, it is weak, it shows you have no stamina, it shows you think this place should be a rubber stamp. I trust that our colleagues upstairs will give this bill the scrutiny it so desperately needs. You cannot gag the debate up there because you do not have the numbers, and thank God for that. I just want, on behalf of Dr Woodruff and I, to apologise to those stakeholders who in good faith we sought to represent in here, and ask questions that are in submissions that were not responded to in the final draft of this legislation. I want to apologise to those young people who were out the front of parliament - they were not all young, they were actually many ages - but many of them were young. I want to apologise to them that this Government would not let this odious legislation which targets them, to be properly scrutinised in Tasmania's House of Assembly, because you have a minister here who is intolerant.

This bill is about intolerance of dissent, and in this place the two greatest voices of dissent in my view, are the Greens, so it has an intolerance of the Greens in here that the bill is about cracking down on peaceful protest, it is about stifling dissenting voices and it will not stand. Shame on you all.

**Time expired.**

**Dr WOODRUFF** - I thought other members might have wanted to take the opportunity to stand. I just want to speak on behalf of all the people who have been contacting us about their concerns with this bill and its dramatic overreach. It is incredible to me that the Government does not have any conviction on this and is not prepared to argue through something which it pretends is necessary and important to the state. If it is so necessary and important, why are there no answers to what these words mean? Why is there no interpretation of these flabby words?

We are only on the second subpart of the clause and we have asked targeted questions of the minister and he has refused to answer. That demonstrates how important it is to be able to go through this bill, clause and subclause, and part by part. If it is as important as the Government says, they should be able to present their arguments and the evidence for why we have it. They should be able to provide some guidance were it to ever pass so that Magistrates could interpret it. They should be able to provide the guidance that ought to be required for Tasmania Police because they are presented with clause 4 with an extremely broad new offence that will create enormous problems for them as they move around the community. It is quite clear that this can be used for political purposes and that is really dangerous.

We have somebody from Democracy Australia who has been here providing that broader, global Australian view on democracy, and we have got people from all communities in Tasmania, represented by Anglicare, TasCOSS, the Tasmanian Aboriginal Centre, all the other organisations, the Environmental Defenders Office, the Community Legal Centres. So many community groups are very concerned at this bill and it is disgraceful that this bill is being gagged because they have raised concerns in their submissions and the minister knows they have. The minister knows they have raised concerns about clauses of the bill that we will not be able to get to in two hours. We simply cannot do their concerns justice and it is our job to present them and to get an answer. It is disrespectful.

Why are you not prepared to go through? Why do we spend hours and hours on far less important bills but you will not give the parliament time to debate this through? Obviously, it is because you do not have the answers that people demand of you, and the answers go to the

detail of the language that is being used, the unnecessarily expansive language, and the increase in powers which is disproportionate and unjustifiable. On behalf of the people who are watching now and who are outside and waiting to hear the conclusion of this debate tonight, on behalf of those people, it is really disgraceful and you should be ashamed of yourselves.

**Mr O'BYRNE** - Mr Chair, it is another example of how this Government, when it has the opportunity to try to work through something - whether or not I agree with the legislation - whenever you have an opportunity to take a path which tries to build faith, not only with the people that you purport to represent but also respecting of this House and the other House, you chose the wrong option.

Other members have made the point that there is no rush for this bill. This is an issue that you know very well will not be debated in the other place for quite some time. You do not need to rush it through.

Instead of trying to build the goodwill that in your second reading speech and in your comments you say you want to build around this issue, to see if we can find some compromise, once again, with your cheap tactics you risk all the progress you have made in trying to build a consensus. It is just a cheap dirty tactic, and it diminishes you as minister. It diminishes the Government. It shows yet again that you are actually not interested in trying to resolve the issue. You just want to play the politics and do a nice quick and dirty for the parliament.

At the end of the day this is not a long bill. There are going to be some debates. There are restrictions on time. You have people who feel strongly about it and disagree with you on a whole range of things. You know the forms of the House and how people can have their voice heard, whether it is clause by clause or not.

If you are acting in goodwill and good faith with the people you represent, you will say okay, this is what we have to do. I will act in a way that will not drag this debate down, and will not make it more controversial than it is, because I do not want to expose you to further attacks. I do not want to expose you to the allegations that I know occur in a political landscape but by gagging this debate and by bringing a close to it prematurely for no good reason, you are completely trashing the faith and goodwill they have in you, or the faith that you presented to them.

This is a really important bill. The irony of gagging debate on something that purports to protect freedom of speech is remarkable. Do you not realise how this looks? It looks awful. It not only looks awful for the parliament, it is actually a bad faith performance by you as a minister to the people you represent, because they will be just as grumpy with you about your behaviour. They know the Greens do not agree with them. They know what the Greens will do, but they put their faith in you, as minister, to traverse this in a manner with the most possible goodwill. When you squib it, or you give up, when you gag debate, it says to the people you purport to represent that when it gets hard, you will just take the easy option. I am pretty sure those stakeholders do not hold that faith in you. I am pretty sure there are better ways to manage this.

What is better for you as minister? Will you go back to them and say we had long hours in the debate, the Greens put on a stunt, they did all this stuff but we pushed through? We took the high road and we got it through. There, good faith on the table. No, you will go back to them and say, we guillotined the debate. The actual issue now is not about the bill itself, it is

about your guillotining. You will add a level of controversy. Well done. Clever. Really smart. Any goodwill for the independence in the upper House that you may have tried to bring to the table, do you reckon that is at risk? If this act actually causes some Independents in the upper House to go, well, they have not convinced me because they are not prepared to back up their arguments; they are not prepared to take the high road, they are prepared to take the low road - then you have blown it again. Has there been a more incompetent minister in a state government on an issue such as this? I would argue there has not been.

In the previous speaker's reference to the Forest Agreement debate, again, I was here in the House until we left as the sun came up, and we were back here at 10 a.m. for question time the next day - not exactly fresh as a daisy, but we turned up. We did the time, we did the work, because it was good faith to the people we represent.

You have failed again, minister.

**Mr CHAIR** - The question is that the allotment of time be agreed to.

**The Committee divided -**

**AYES 11**

Mrs Alexander  
Ms Archer  
Mr Barnett  
Mr Ferguson  
Mr Jaensch  
Ms Ogilvie  
Mrs Petrusma  
Mr Rockliff  
Mr Shelton  
Mr Street  
Mr Wood (Teller)

**NOES 11**

Dr Broad  
Ms Butler  
Ms Dow  
Ms Finlay  
Ms Haddad  
Ms Johnston  
Mr O'Byrne  
Ms O'Connor  
Ms White  
Mr Winter (Teller)  
Dr Woodruff

**PAIRS**

Mr Ellis

Ms O'Byrne

**Mr CHAIR** - The result of the division is 11 Ayes and 11 Noes. In accordance with standing order 257, as there is an equality of votes I cast my vote with the Ayes.

**Motion agreed to.**

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**Mr CHAIR** - The question is that the amendment to clause 4 be agreed to.

**The Committee divided -**

**AYES 11**

Dr Broad (Teller)

**NOES 11**

Mrs Alexander

Ms Butler  
Ms Dow  
Ms Finlay  
Ms Haddad  
Ms Johnston  
Mr O'Byrne  
Ms O'Connor  
Ms White  
Mr Winter  
Dr Woodruff

Ms Archer  
Mr Barnett  
Mr Ferguson  
Mr Jaensch  
Ms Ogilvie  
Mrs Petrusma  
Mr Rockliff  
Mr Shelton  
Mr Street  
Dr Woodruff

### **PAIRS**

Ms O'Byrne

Mr Ellis

**Mr CHAIR** - The result of the division is 11 Ayes and 11 Noes. In accordance with standing order 257, there being an equality of votes, I cast my vote with the Ayes.

#### **Amendment negatived.**

**Ms O'CONNOR** - I will say a few final words on clause 4 before it is put to a vote. This is an odious clause. It is, as a number of civil society organisations and other members in this place have pointed out and made very clear, a massive case of overreach.

I know that the Government did not want to have to deal with our amendments. They have succeeded because we are going to have to cut short some of our amendments. But we object in the strongest possible terms to clause 4, to the increase in penalties which are now being increased threefold and the potential to lock people up for three months for exercising their right to peaceful protest.

It is my very great hope that the minister, again, falls on his face over this legislation. Mr O'Byrne is right; he will be the laughing stock of the companies that he is trying so desperately hard to impress. He has certainly revealed himself to those civil society organisations who, in good faith, put forward submissions which have been completely ignored by this minister and this Government.

I hope that Labor stays true on clause 4 when this bill gets upstairs. Of course, I do not think Labor should support any part of this bill because of its overreach. This is an odious clause and the minister has been warned. I think he is going to end up with egg all over his smug face once again.

**Mr CHAIR** - The question is that clause 4 as read stand part of the bill.

#### **The Committee divided -**

##### **AYES 11**

Dr Broad (Teller)  
Ms Butler  
Ms Dow

##### **NOES 11**

Mrs Alexander  
Ms Archer  
Mr Barnett

Ms Finlay  
Ms Haddad  
Ms Johnston  
Mr O'Byrne  
Ms O'Connor  
Ms White  
Mr Winter  
Dr Woodruff

Mr Ferguson  
Mr Jaensch  
Ms Ogilvie  
Mrs Petrusma  
Mr Rockliff  
Mr Shelton  
Mr Street  
Mr Wood (Teller)

## PAIRS

Ms O'Byrne

Mr Ellis

**Mr CHAIR** - The results of the division is Ayes 11, Noes, 11. Therefore, in accordance with standing order 257, there being an equality of votes, I cast my vote with the Ayes.

### Clause 4 agreed to.

### Clause 5

Section 14B amended (Unlawful entry on land, &c)

**Ms WHITE** - Labor has an amendment to clause 5 that I believe is being circulated. I will read the clause because it is the best way to describe it. I move -

Page 8, paragraph (d), after proposed new subsection (2AC).

*Insert* the following proposed new subsection:

- (2AD) Subsections (2AA) and (2AC) do not apply to a person who is convicted by a court of an offence under this section if the offence was committed -
- (a) in the course of the person being engaged in -
    - (i) industrial action; or
    - (ii) an industrial dispute; or
    - (iii) an industrial campaign; or
  - (b) at a workplace at which the person works at the request of an employer of the person; or
  - (c) at a workplace owned, occupied, operated, or used, for the purposes of a business or undertaking, by an employer of the person.

It should come as no surprise that Labor would move this amendment. It was contained in the submission made by Unions Tasmania - not as I have read out right now, but certainly as their expectation that union activity would be exempt. In the submission by Jessica Munday, secretary of Unions Tasmania, on 13 April 2022, amongst other comments on the draft bill, she wrote:

We would also seek specific exemption for trade union activity to ensure that workers who are participating in legitimate union activities such as industrial action, industrial disputes or campaigns are not unduly targeted by any legislative change.

We are available to meet further and discuss our concerns if required.

It is my understanding that not only were no further discussions held with Unions Tasmania by the minister, but also that the submission by Unions Tasmania has largely been dismissed, which is very disappointing. I note that in previous iterations of failed bills of this type by the minister, there has been a carve-out for union activity, in recognition that it is not the type of activity that this bill seeks to deal with.

It is not the intent of the bill. As such, it is vital that it be explicit in the bill that union activity is exempt from being caught up as an offence under this particular clause.

The amendment that I have read into *Hansard* and circulated to members is also a provision that is now contained within New South Wales law. It was moved by the Labor Opposition in New South Wales when the Liberal government there recently moved a similar bill to deal with workplace invasion activity - protest activity that was disrupting workplaces and putting workers at risk on their worksites. The wording of this particular amendment is wording that the Liberal government in New South Wales has accepted. Therefore, I see no legal reason why the Government would not accept it here. It would only be an ideological reason that they would reject it.

It is vital for us, as the Labor Party, to make sure that any type of campaign activity or industrial action that might be undertaken at a workplace at which a person works, or at a workplace owned, occupied or operated or used for the purposes of a business or undertaking, that the person who is doing that is afforded protection if it is a part of industrial activity.

The reason for the definition as described in paragraph (c) is acknowledgement of the changing nature of work - that the workplace might be in a different place from day to day, rather than going to the same place and same office every day from 9 a.m. to 5 p.m. That is the explanation for the description of the amendment in paragraph (c).

The debate in New South Wales where this particular amendment was moved and agreed to by the Liberal government was moved by the shadow Attorney-General in the lower House for the Labor Party, and the arguments made were very strong. The statement was made there, and that I will repeat here, is that this is non-negotiable for us. If people can attract liability wherever they are for engaging in peaceful industrial protest, that is a significant problem and is not something we could support. The concern we have is that the bill currently would include that type of activity. That does need to be carved out.

When it went through into the upper House, it was also supported by the Greens in the New South Wales parliament to make sure that legitimate industrial activity is not constrained by a bill of this nature. There was an agreement struck between the Labor opposition and the Liberal government in New South Wales to afford this carve-out for legitimate industrial activity, but it was also supported by the Greens. I hope members in this place see the logic in ensuring that union activity and legitimate industrial action, whether it is a dispute or a

campaign of industrial nature, that occurs at a workplace at which the person works, or at the workplace owned by an employer of that person, is carved out.

We do not want to see the overreach of this bill extend to also encompass union activity that might occur at a workplace, outside a workplace, or any industrial matter for that matter, Mr Chair.

The amendment has been circulated. I know the minister has had conversations with the shadow minister about this particular amendment. I expect the minister is going to say he will not support it. If that is the case, I am surprised, given the Liberal government in New South Wales has accepted these exact words and sees no problem in law with them. I hope he is able to agree to it here. I can assure this House that if it is not agreed to here, we will continue to move this amendment in the other place.

**Ms O'Connor** - Thank you, Chair. Dr Woodruff and I are interested in supporting this amendment, but we have a couple of questions. Is this precisely the same wording that was put forward in New South Wales that was supported by the New South Wales Greens?

**Ms WHITE** - I will get advice from the shadow minister, but that is my understanding.

**Ms O'Connor** - Does Ms White have any advice on whether or not inserting this provision in the legislation would make it unconstitutional in that it creates separate classes of protesters?

**Ms WHITE** - To answer your first question, my advice is that it is the same wording a was used in the bill. I will come back to you on the second question, because I do have some advice.

**Ms O'CONNOR** - Dr Woodruff and I very strongly feel that peaceful protest in defence of our forests, public forests, public waterways, on public streets, thoroughfares, and in parks, is entirely legitimate. We do not really see a distinction between industrial action that is taken in order to defend or improve the rights of workers, and peaceful protest that is undertaken in order to defend the right of future generations to have a safe climate, to live under a breathable atmosphere, to have access to nature, and to know that their forests and the carbon that is in their forests are being kept safe.

We do not draw that legitimacy distinction here, and never will, because although corporatist political parties will always work in the interests of corporations and big moneyed interests, Labor of course has a history with the union movement - as do I.

There is no illegitimacy about exercising your right to peaceful protest in order to defend your place. We know both these parties have abandoned coastal communities who are distressed, displaced. People are moving as a result of the rampant expansion of industrial fish farming. Neither of these parties in here will lift a finger to protect tarkina, and the wonders that it contains but the Greens will always defend and be thankful for those people who go into the Tarkine in order to try to stave off its destruction. That is legitimate. The Grassroots Action Network of Tasmania, a collective of mostly young people, is also taking direct action in order to try to stave off further global heating, further loss of forest cover, further decline of species, species heading to extinction and their right to have a livable future.

It is entirely legitimate. I am worried about two separate classes of protesters. I do not want us to stand in the way of protecting industrial action, but I just point to what the Australia Institute's comments have been in relation to that fundamental right to protest, which is being undermined by the Government and which clause 5 significantly chips away at. They say:

The right to protest has been supported in Australia through the recognition of the implied right to political communication in the Australian constitution, upheld by the High Court in *Brown vs. Tasmania* by the federal government, in signing and ratifying the United Nations International Covenant on civil and political rights, which guarantees the rights of assembly, expression and association, and state and territory governments in Victoria, the Australian Capital Territory and Queensland, who have enacted rights charters.

Tasmania has a long history of protest, through which citizens have influenced their democracy on issues such as the Franklin River, the Vietnam War, LGBTIQ+ discrimination and climate change. If these laws had been in place in the past, the Franklin River would likely have been dammed, many more people who stood up against the barbarity of the Vietnam War would have ended up in prison and we may not have had gay law reform and LGBTIQ+ reforms in the timely way that we did so that we could call ourselves a national leader on law reform in that area. It is a fact that the school strike for climate protests have at times been very disruptive, whether they are here or on the mainland but that is young people legitimately fighting for their future.

I would be very interested to know whether there is that advice on the constitutionality of this clause. I am sure the New South Wales act has not been tested yet. We refuse to regard any peaceful protest for any purpose, whether it be to defend the environment or workers' rights. It is always legitimate to step up and peacefully protest. Short of legitimising that statement about only industrial action being legitimate, we are open to supporting this amendment.

**Mr O'BYRNE** - I support the intent of the amendment. However, it again further shows that some of the fundamental problems of this bill are its ambiguity and its scope in the fact that we have had to move an amendment to ensure legitimate workplace activity. I would support an amendment which clarifies the activity of workers at their workplace because an unintended consequence of this amendment that is not accepted is that workers taking legitimate action in any form could potentially be caught up. I think the New South Wales government has been able to manage it.

It is absolutely possible that the source of that workplace activity or industrial action could be on the basis of workplace health and safety. It would be perverse in the extreme that without this amendment, the workers could take industrial action in support of an occupational health and safety issue and potentially get caught up in this type of action.

I understand the minister is shaking his head. It has been accepted in another jurisdiction. It is legitimate. The definition of workplace activity changes over time. It evolves over time. Many years ago, it was a legitimate activity for the Waterside Workers' Federation in Fremantle Docks to not handle trade and cargo bound for apartheid South Africa. That was deemed, then, at that moment in time, legitimate industrial activity.

In the context of the current federal laws we would see that as unacceptable. Well, I would not see that but in the terms of the current federal laws, that is unacceptable. I would not see beyond the realms of us moving back to a time where workers can express a broader view on matters and take action in support of that.

Clarifying this, workers who are taking legitimate industrial action could be able to take that action without fear of being caught in the web that you are trying to weave around this protection bill. I support the amendment.

**Ms JOHNSTON** - Mr Chair, at the outset, I say that I do not support clause 5 in its entirety. I firmly believe that the right to peaceful protest is fundamental. I am concerned that this clause restricts that right, but I respect what the Opposition Leader, Ms White, is trying to do in creating a carve-out for industrial actions. I am inclined to support the amendment on that basis. I believe that it unfortunately does not go far enough. I wish that no one had to be carved out to be supported in their action but, in good faith, I support it.

I sought a question of clarification on the amendment that you are proposing. I am not sure if I am reading the impact of the amendment wrongly. Clause 5, as far as I understand it, seeks to expand the behaviours that would be encompassed by unlawful entry on land. So, 'move into or onto' in particular is the changed definition there. It furthermore goes on to carve out where that action: unlawful entry on land obstructs a business or undertaking took action that caused a business or undertaking to be obstructed, there are greater penalties than would normally apply if it were not to obstruct a business or undertaking.

To clarify the effect of your amendment, is that those harsher penalties would not apply if it was industrial action or as a result of industrial work but it may still fall subject and it may still have the penalties in subsection (2) apply to them. Subsection (2) would remain in the Police Offences Act but just a harsher penalty component would not apply to industrial action, if I understand your amendment correctly.

**Ms White** - Which page, please?

**Ms JOHNSTON** - I am looking at page 6. So, (2AA) and (2AC), which your amendment makes not apply to any of the action that might be industrial action or industrial dispute or industrial campaign. So, the harsher penalties under (2AA) and (2AC) would not apply but by default does that mean that the penalties in subsection (2) of the principal act applies? Anyone taking industrial action would still be covered and perhaps fall foul of the broader definition of what 'unlawful entry on land' would then be.

They would not have the harsher penalties apply to them because it is in relation to a business or undertaking, and that is industrial action. They still would fall foul and still perhaps have subsection (2) in terms of penalties applied to them. Does that make sense?

**Ms WHITE** - It does. To both your question and Ms O'Connor's question, your reading is correct. The amendment we are moving is to deal with the amendment bill that is before us, so it does not seek to apply to existing offences in the act.

**Ms Johnston** - They would be charged but the penalty would be less -

**Ms WHITE** - Yes, the amendment applies to the amendment bill. Your reading is accurate as the offences stand today. To Ms O'Connor's question about the constitutionality, just to put a caveat here, we have not sought formal legal advice, but I have sought the advice of constitutional lawyer George Williams AO about the questions of unconstitutionality and he has provided some advice, which is that any increased risk due to the amendment would likely only be marginal, so long as the exemption of industrial conduct can be justified as reasonable and appropriate. I hope that answers your question Ms O'Connor.

**Ms O'CONNOR** - I have some further information about how the New South Wales Greens responded to this proposed amendment. They objected to the legislation in its entirety and it is not that they necessarily supported this particular carve-out for industrial action, but it was a case of 'it is a bit better than nothing', so they did not obstruct or vote against this carve-out.

We find it a bit unusual that you only want to carve-out for employees if they are undertaking actions at the direction of the employer, so if you could just hold that thought, but we have been sent the wording of the New South Wales amendment.

Section 144G(4)(a), which inserts 'a person does not commit an offence under this section if the conduct occurs: (a). at the workplace at which the person works or (b). at a workplace owned, occupied, operated, or used by an employer of the person,' then there is a carve-out for Parliament House, and an office of a member of parliament. Then it says 'to insert after 144G(5), a new paragraph, (5)(a), a person does not commit an offence under this section if the conduct forms part of the following; industrial action (a), industrial action; (b), industrial dispute, and industrial campaign.' The wording is a bit different, it is in a different order, and it places a different priority on the carve-out.

I am very interested to hear that George Williams has provided advice to you on this particular amendment. I would have thought someone who is one of the nation's pre-eminent constitutional experts would regard this whole assault on the right to peaceful protest as objectionable. I am not sure if you got written advice from George Williams on the constitutionality of this. I still think it is potentially problematic in terms of the constitution because you are creating separate classes of protesters. If you could just answer the question about the different priorities that have been put in this clause, that would be quite helpful, but also the concern that we have that it says here, the proposed amendment 2(a), (d), (b), the protest is not an offence if it has happened in the course of a person being engaged in industrial action, industrial dispute, or an industrial campaign, or at a workplace at which the person works at the request of the employer of the person.

Are you saying they are working there because they have been requested to work there, or they are undertaking the industrial action because their employer has asked them to undertake that industrial action?

[7.24 p.m.]

**Ms WHITE** - To your last question first, the drafting of this was by OPC; it is a different order, but the words are the same. They are just structured differently. That was the way that OPC decided it would best fit into the Tasmanian bill before us. I can seek some further advice if you require it, but that was provided to me now to support -

**Ms O'Connor** - Interesting you had access to OPC. Was that with the minister's approval?

**Ms WHITE** - Pardon? I cannot hear you very well.

**Ms O'Connor** - Did the minister give approval for you to access the Office of Parliamentary Counsel for drafting this amendment?

**Ms WHITE** - Yes, when the bill was tabled we were able to go through the Speaker, which is the customary practice.

**Ms O'Connor** - It has never been approved before.

**Ms WHITE** - We have had amendments drafted through OPC.

**Ms O'Connor** - We have tried and not been able to.

**Ms WHITE** - I have certainly had amendments approved to be drafted through OPC for different bills that we have debated in this House.

**Ms O'Connor** - Okay.

**Ms WHITE** - I can tell you that this particular amendment was drafted by OPC based on information we gave them from New South Wales. That explains the change in the structure, but the words are effectively the same as you have already read out, Ms O'Connor.

To your question then, they are working there because that is where they are asked to work. That answers your direct question about that one.

**Ms O'Connor** - Okay, George Williams?

**Ms WHITE** - To George? No, not formal written advice; we corresponded via email. He has seen the draft and he has seen this amendment, and as well as the correspondence we have received from civil society groups that you have also referred to, and they were provided to him to provide his feedback to us, and that was the advice that I have read into the *Hansard* already.

**Ms O'Connor** - By way of interjection because I cannot get up again - he thought this amendment would withstand a potential constitutional challenge?

**Ms WHITE** - He said any increased risk to the constitutionality - referring to there, that is me inserting into that - any increased risk due to the amendment would likely only be marginal, as long as the exemption of industrial conduct can be justified as reasonable and appropriate.

To your other point that you made, it was about the debate in New South Wales and the position taken by the Greens. I will take your word for that. I have transcript in front of me that is the *Hansard*, which does quote Greens members in the upper House where - to summarise quickly, Chair, Ms Abigail Boyd said in conclusion, 'the Greens will not oppose the amendments, then went on to say - in typical Greens fashion, I have to say - 'that they're not

quite as good as the Greens' amendments,' but because the Greens did move their own amendments, which Ms Abigail Boyd went on to say, 'for the clarification benefit of the members, the amendments that we are discussing, which were moved by the opposition, are in almost identical terms to the ones that the Greens moved in the lower House.'

There were amendments moved by both parties, and ultimately, they agreed to support the Labor Opposition amendments to that bill.

**Mr CHAIR** - The question is that the amendment be agreed to -

**The Committee divided -**

**AYES 11**

Dr Broad  
Ms Butler  
Ms Dow  
Ms Finlay (Teller)  
Ms Haddad  
Ms Johnston  
Mr O'Byrne  
Ms O'Connor  
Ms White  
Mr Winter  
Dr Woodruff

**NOES 11**

Mrs Alexander  
Ms Archer  
Mr Barnett  
Mr Ferguson  
Mr Jaensch  
Ms Ogilvie  
Mrs Petrusma  
Mr Rockliff  
Mr Shelton  
Mr Street  
Mr Wood (Teller)

**PAIRS**

Ms O'Byrne

Mr Ellis

**Mr CHAIR** -The result of the division is 11 Ayes and 11 Noes. In accordance with standing order 167, the numbers being equal, I cast my vote with the Noes.

**Amendment negatived.**

**Ms O'CONNOR** - I have a number of questions about clause 5. This is the clause that disproportionately and extraordinarily increases the penalties for peaceful protest. We have here, for example:

If there is a business that has been obstructed, or an action that causes a business to be obstructed that a person can be subject to a penalty of 50 penalty units, or imprisonment for a term of not more than 12 months.

These penalties are equivalent to other penalties in the Police Offences Act: for example, loitering near children; for possessing an implement with the intent to commit a crime; and for aggravated assault. So, we have a government that apparently is more concerned about corporate rights than they are about the wellbeing of children. These penalties are extraordinarily unjustified.

Then, in the next section, with this incredibly ambiguous language about:

A person who causes directly, or indirectly a serious risk of a person or another person -

which as we know would be a very subjective test -

or took an action that caused directly, or indirectly a serious risk to the safety of the person or another person

The penalties under this, are 75 penalty units or 18 months imprisonment, or if the person has been previously convicted - so a second offence - 125 penalty units or 30 months imprisonment. For the first offence, the penalty is equivalent to that under the Police Offences Act of obstructing a crime scene. For the second offence of exercising your right to peaceful protest where the law applies what is arguably a very subjective test about what a serious risk to the safety of a person is, the penalties are equivalent to drugging another person, assaulting a police officer, or setting fire to a property.

Again, this Government gives more weight to corporations' activities, or business activities, or Forestry Tasmania's activities, or the activities of a corrupt corporation from Brazil - JBS - than it does to everyday Tasmanians who want to be protected from being illegally drugged, having their drinks spiked, for example, from a police officer who should be protected from assault, and where there should be hefty penalties for assaulting a police officer, or for setting fire to a property.

Arsonists are treated in the same manner, as a result of these proposed amendments, as, for example, if a truck driver for a company has a peaceful protester in front of them and claims that they have had their safety put at risk. That protester is subject to the same potential penalties if they do it a second time, as a person who is an arsonist. I would be really surprised if Labor thought that these were appropriate penalties.

Have a look at the comparable penalties in the Police Offences Act. It is in the submissions that this Government has so roundly ignored. I can flag that we have two amendments to clause 5, the first of which provides for a peaceful protester who is apprehended on a property, whether it be a public space, or a private space, or a street anywhere, or a mineral tenement - Xi Jinping's mineral operation over there at Rosebery - who might be rightly concerned about being compelled to give their personal details, their name and address.

The first amendment that I will move to clause 5 protects a person if they are in fear of their safety from having to proffer their name and address details. The second amendment, which Dr Woodruff will move, provides for a defence of peaceful protest under the act.

The amendment that I move to clause 5 on page 9 inserts the following new clause (b) section 14(c) amended:

Names and addresses of offenders may be required -

Section 14(c) of the principal act is amended -

**Mr CHAIR** - Order. Ms O'Connor, you are trying to move new clauses after clause 5, so we need to approve clause 5 first.

**Ms O'CONNOR** - My apologies for that. I will get back to some of my questions then. On clause 5, can the minister explain why a person who is charged with trespass for unlawful entry onto land, whether it be public or private, is subject to the same penalty under the act, as someone who is convicted of loitering near children, of possessing an implement with the intent to commit a crime, or of aggravated assault? Does the minister think that these penalties are proportionate?

The second question on that same clause is: can the minister explain why a person who is on their second offence for trespassing, where it is claimed that they compromised the safety of a person, is subject to the same penalties as someone convicted of drugging another person, assaulting a police officer, or setting fire to a property - and why on their first offence they are subject to a penalty that is very comparable to the penalty for someone who is convicted of obstructing a crime scene?

**Mr BARNETT** - I thank the member for her remarks, and also the Leader of the Opposition for her earlier comments and amendment, which I thought was a very useful discussion. That was helpful to have on the record.

Just to confirm the Government's opposition to Labor's amendment regarding unions, and to indicate that we did take into account Unions Tasmania's submission. We did look at it. We read it. The advice I have is that your amendment goes further than Unions Tasmania's amendment. You have added paragraphs (b) and (c), which mean that any trespass by a worker at their workplace gets immunity from some aggravated penalties, whether or not the trespass relates to industrial action. Frankly, that seems to make no sense.

To the member for Clark's comments, where Ms Johnston was seeking information from you, Leader of the Opposition. You are still ensuring that unions are subject to the current law, but they will not be subject to the higher penalty under this amending legislation. There would be one law for one group of Tasmanians, and another law for another group of Tasmanians. As I indicated yesterday in the summing up and earlier today, that is just not fair or appropriate as equality before law. We know that under the Fair Work Act, industrial action is protected and the federal law overrides our state law, and there is no impact there whatsoever. I just wanted to confirm that.

I said earlier that what a union has the right to do today, it still has the right to do once this legislation has passed, so there is no reason to distinguish between the different categories of people who might commit the offence of trespass. I made that point earlier, and I just wanted to confirm on the record that they were one of the key reasons we cannot support the amendment, but I appreciate the Leader of the Opposition putting it forward and the useful discussion and debate at that time.

With respect to amendments to section 14B, just to be clear, the offence of trespass requires a person to enter into or remain on any land, building, structure, premise, aircraft, vehicle or vessel. It appears the provisions, as currently drafted, may have difficulty applying to a situation where a person is simply standing on or attaches themselves to certain objectives such as aircrafts, vehicles or some structures.

The example of the Burnie wharf in 2021 is a good one, where protesters locked on to the Burnie wharf and barricades at the Venture Minerals iron ore and storage site. The amendment is intended to ensure that those situations are adequately covered by that section.

Some other jurisdictions, such as Queensland, have specific offences regarding the use of lock-on or attachment devices.

As for the question as to whether it is proportionate or disproportionate, I want to make it very clear that I have already advised this House that it is proportionate, it is fair, and it is balanced.

**Ms O'Connor** - So a trespasser should be subject to the same penalty as someone who loiters near children.

**Mr CHAIR** - Order, Ms O'Connor. There is no need to talk over the minister.

**Mr BARNETT** - We have looked at all the other jurisdictions around Australia, and in terms of the jurisdictions it is not the highest.

**Ms O'Connor** - That is irrelevant.

**Mr BARNETT** - I think it is very relevant. They are not disproportionate. You are making the argument that it is disproportionate, but it is not.

What are the equivalent trespass for labour offences in other jurisdictions? At the Commonwealth level, the use of a carriage service for inciting trespass on agricultural land; the imprisonment was for up to 12 months. That was passed by bipartisan support across the Coalition and the Labor Party.

**Ms O'Connor** - Of course it was.

**Mr BARNETT** - Yes, it was. The use of the carriage service for inciting property damage or theft on agricultural land: imprisonment for five years.

In Western Australia, trespass is 12 months in imprisonment and a fine of \$12 000.

In New South Wales, entering or remaining on agricultural land in certain circumstances: imprisonment for three years and/or a fine of 200 penalty units or \$22 000. Damaging or disrupting a major facility: imprisonment for two years and/or a fine of \$22 000.

In Queensland, the use of dangerous attachment device to disrupt lawful activities: imprisonment for two years, or a fine of 50 penalty units.

In Victoria, entering a place without authority or trespass: 25 penalty units, or \$4543.50, or imprisonment for six months.

In South Australia, being on premises for unlawful purposes or without lawful excuse, primary production premises, and where the unlawful purpose is the commission of an offence: punishable by a maximum period of two years imprisonment, or more than two years imprisonment. In any other case, if the offence is committed in aggravated circumstances, interfering with a primary production activity, with two more other people and does anything that gives rise to a serious risk to themselves or others: \$10 000 or 12 months' imprisonment, or there are no aggravating circumstances: \$5000 or six months imprisonment.

Being on premises for unlawful purposes or without lawful excuse - and it goes on: two years or more imprisonment, or two years in any other case; \$2500 or imprisonment for six months.

We believe it is balanced and proportionate. We think it is useful to have that information on the record and that is why I have read that into *Hansard*. We have further information that can be made available, but I hope that is useful to the committee.

I am happy to respond to other questions, but that is where I will leave it for now. I hope that is useful.

**Ms O'CONNOR** - I listened very carefully to that list of penalties that you rattled off from other jurisdictions. With the exception of the early ones in relation to trespass - or what you call aggravated trespass - on agricultural lands, the penalties that you are proposing are most certainly at the higher end of the scale, minister. They are disproportionate.

So that we are really clear here, this Government thinks some young person who, for example, locks onto a car that is blockading a road into some of the most extraordinary, rare, biodiverse, carbon-rich habitat on the planet is treated in the same way as a pervert, someone who loiters near children, and is subject to potentially 12 months in prison.

This Government treats a peaceful protester who locks onto a car - because that is the second part of this proposed amendment - if they attach themselves to any land, building, structure, premises, aircraft, vehicle or vessel, this Government believes they should be subject to the same penalties as someone who loiters near children; someone who is carrying a crowbar, for example, in order to break into a house and steal a person's property; or someone who commits an aggravated assault, that is, they harm another person.

They are obscenely disproportionate penalties and you realised that as you were rattling them off. It is clear that you have chosen, minister, to go to the higher end of the scale of potential penalties.

I flagged this with Labor upstairs. You cannot have a peaceful protester who makes a decision to, for example, lock onto a bomb of a car - and I have met these beautiful kids - You cannot have these young people being treated in the same way as someone who hangs around children, a creep, or someone who wants to break into a person's home or someone who beats the bejesus out of another person and potentially locks them up for 12 months.

I will let the *Hansard* note that the minister is taking no notice whatsoever of what the Greens are saying in this place. He has his back to the Chamber.

I simply record, now that it has been confirmed, that Tasmania's penalties are at the higher end of the scale nationally. If a person is convicted under incredibly flabby language, of directly or indirectly causing a serious risk to the safety of the person of another person, which I might say there has never been any evidence of happening here, is treated in the same way as someone who obstructs a crime scene.

If you happen to twice be charged and convicted under that proposed provision, you are treated in the same way as someone who spikes a woman's drink or assaults a police officer or sets fire to somebody's home. It is disgusting; it is disproportionate. It is designed to crush

peaceful protest. It is an absolute lie on the part of this minister and this Government to say that this bill does not seek to stifle the right to peaceful protest. It absolutely does.

You want to criminalise kids who are trying to stop the bulldozers going in there and felling centuries old trees, habitat for masked owls, beautiful creatures that your Government is driving to extinction. You want to treat the kids like criminals and treat them in the same way that the law treats paedophiles, perverts and arsonists. It is disgusting. Grossly disproportionate.

You should have had the courage to read out the rest of that list of the penalties in other jurisdictions. This whole section is about toadying to a Chinese state-owned company, to a corrupt corporation from Brazil, which is plundering the planet apace and which your Government, state and your federal colleagues, have let into our coastal waterways, a loss-making, destructive forestry corporation that is felling our native forests and destroying our carbon banks. That is what this is about. It is not about workers and work places and that is the lie at the heart of this odious piece of legislation.

You, minister, and the Government you are part of and indeed the Labor Opposition, you are part of the problem. You are the reason why the planet is in so much trouble and why kids are so stressed. People like you, minister, are the reason that last Saturday your corrupt colleague, Scott Morrison, who oversaw the most dishonest and corrupt federal government in Australia's history, got kicked in the bum and out of the office: the reason there are now Greens in the House of Representatives and in the Senate in greater numbers and why the Liberal Party has been wiped out, and rightly so, in inner city areas by the teal independents on a platform of climate action and integrity.

This legislation will not work. It will not work for the people defending the forests, the Bob Brown Foundation or the grandmothers who go out there and obstruct, from Extinction Rebellion or the kids who are part of the Grass Roots Action Network of Tasmania.

As I have said before, build a bigger jail. It is disgusting; this is the most disgusting piece of corporatist shilling that has been through this House since the first time you tried and failed. You are a disgrace. No wonder the kids are distressed. You treat them like people who loiter near children and arsonists. You are trying to tell us these penalties are proportionate? Another falsehood drops out of your mouth. Disgraceful, disruptive, minister.

**Mr BARNETT** - Chair, I would like to respond to the offensive and unnecessary remarks by the Leader for the Greens.

**Ms O'Connor** - You treat peaceful protesters like perverts.

**CHAIR** - Order, Ms O'Connor.

**Mr BARNETT** - It confirms where the Greens are coming from with their offensive and unnecessary remarks.

**Ms O'Connor** - Offensive is what you are doing to our forests -

**CHAIR** - Order.

**Mr BARNETT** - It confirms the Greens are motivated by their anti-forestry, anti-salmon, anti-mining, anti JBS, anti-China rhetoric. That is what is motivating them on this bill.

**Ms O'Connor** - Did you check off this legislation with Xi Jinping?

**Mr CHAIR** - Order.

**Mr BARNETT** - The remarks like the Leader for the Greens just made, shows the absurdity and the nonsensical approach from the Greens.

I want to make it very clear in terms of the increased penalties, making those most serious offences in the Police Offences Act, more serious than stealing with force or loitering near children. Offences by in the Police Offences Act are generally punishable by a fine and/or imprisonment. The largest penalty applicable to an individual under the bill is 125 penalty units and 30 months imprisonment. However, this is not for the standard offence of trespass nor standard aggravated trespass; it is only where a person has previously been convicted of trespass causing a serious risk to the safety of a person and is again convicted of that same offence that they would face that significant penalty. It is a misplaced concern that has been raised by the Leader of the Greens -

**Dr Woodruff** - It is still the same offence. There is still the same action.

**Mr CHAIR** - Order.

**Mr BARNETT** - There is a precedent in the Police Offences Act for substantial penalties. The offence punishable by the most severe penalty in the Police Offences Act is the offence of being a convicted offender habitually consorting with another convicted offender under section 20C which is punishable by 150 penalty units and/or imprisonment for a term of not exceeding three years. While it may attract more penalty units than some other serious offences such as stealing with force, 100 penalty units, some of those serious offences are subjected to longer terms of imprisonment. A larger fine can be imposed for aggravated trespass, but you can be sent to prison for longer for some of these other offences.

All of that analysis, is based on the largest penalty available under the new provisions which really only applies in a narrow setting. In contrast, if a person has just committed a trespass, in doing so, obstructed a business, they are liable to a maximum penalty of 50 penalty units, \$8650 or imprisonment for up to 12 months.

This type of penalty is not noteworthy at all in the scale of penalties in the Police Offences Act. It is simply not. You asked if it is the highest in Australia. It is not.

**Ms O'Connor** - I said it is at the higher end.

**Mr BARNETT** - In terms of offences relating to public annoyance or nuisance, several jurisdictions have larger maximum penalties than is being proposed in the bill, including Victoria, Northern Territory and the ACT. Specifically, in relation to the obstruction of roads under New South Wales legislation, a person faces a fine of up to \$22 000 and two-years' imprisonment for the offence of obstructing a major bridge, tunnel or road. In relation to trespass under the proposed amendments, it is possible for a natural person to face a penalty of 125 penalty units, \$21 625 dollars and up to 30 months' imprisonment.

**Ms O'Connor** - For a corporation to have to fork out \$100 000. You want to kill off civil society.

**Mr CHAIR** - Order.

**Mr BARNETT** - Well, we have debated and discussed in the second reading and the summing up yesterday of the importance of that in terms of a body corporate, and there are very good reasons for it.

**Ms O'Connor** - Because you want to kill them off.

**Mr CHAIR** - Order.

**Ms WHITE** - I want to ask minister Barnett questions about the amendment that you did not support that was moved by me - the amendment to provide protection for union activity.

In your response you said the amendment that was moved by the Labor Party goes further than Unions Tasmania's amendment. I have not seen an amendment from Unions Tasmania, so I am interested to understand what you are relying on to provide justification for such a statement. Certainly, Unions Tasmania made a submission in which they spoke about the need to provide a specific exemption for trade union activity, but there was no drafted amendment and there was no further engagement from your office or department, from my knowledge, to go back to Unions Tasmania to understand what that could look like or how it could be given effect in the bill.

I am interested to know what you are relying on when you say that our amendment goes further than Union Tasmania's amendment because I think you probably just made it up.

[8.01 p.m.]

**Mr BARNETT** - Thank you for your comments, Leader of the Opposition. This is based on the advice I have received, and it is based on the submission that was made by Unions Tasmania. Based on that submission, that is the understanding from the assessment and the advice that I have received and it confirms that those two extra paragraphs that you have added really make no sense. It is quite illogical that any trespass by a worker at their workplace gets immunity from some aggravated penalties.

That is the concern and I am happy for Unions Tasmania to clarify that in further detail, either through you or directly. That is not a problem.

**Ms WHITE** - I will take the opportunity now to ask you to clarify, minister, what you mean because you have just spoken about two paragraphs that are in the amendment moved by the Labor Party that you have problems with. That is the first we have heard of it because in the past all you have said is that you just do not agree with it at all. Can you clarify what paragraphs, in the amendment we moved, go further than Unions Tasmania's submission?

**Mr BARNETT** - Yes, to assist the member and the Chamber in terms of the Union Tasmania submission, which I have in front of me, and in the second last paragraph it reads: 'We would also seek specific exemption for trade union activity to ensure that workers who are participating in the legitimate union activity such as industrial action, industrial disputes or campaigns are not unduly targeted by any legislative change,' so that clearly goes to those three

points subclause (a)(i), (ii) and (iii). It does not pick up (b) and (c), which have been added, I assume, by yourself or your office based on advice from New South Wales or elsewhere, but that is what the Unions Tasmania submission states.

**Ms WHITE** - Minister, can I take it then, if our amendment was slightly different, to pick up on (a)(i), (ii) and (iii), and did not have (b) and (c), would your Government consider supporting that?

**Mr BARNETT** - What I have made very clear through you, Chair, is that, with respect to Fair Work and industrial action at a federal level, that law applies. There are no issues with us, and our Government, or in fact hopefully anyone in Tasmania, because that is the law. We support the law at the Commonwealth level, but your further efforts to provide one law for one group of the Tasmanian community and another law for another group just does not pass the pub test. You have a higher penalty that would apply for all other Tasmanians at a lower penalty that would apply to unions.

Ms Johnston, you were asking the question earlier of the Leader for the Opposition. I thought the interchange was positive. I reflected that comment earlier and, based on your interaction, you received that confirmation that the penalty that currently exists would remain but the higher penalty would apply to all other Tasmanians, so that is the concern that we have.

**Ms WHITE** - In the Unions Tasmania submission they also asked you to ensure that workers who are participating in legitimate union activity, such as industrial action, industrial disputes or campaigns, are not unduly targeted by any legislative change. Minister, can you give a guarantee that this legislative change will not unduly target workers who are participating in legitimate union activity, such as industrial action, industrial disputes or campaigns? That was part of the submission you received. Obviously you have had time to consider it. You did not respond to Unions Tasmania, which is disappointing, so they are still in the dark about whether their request to be considered has been accepted by the Government. In the legislation before us, in terms of Government's understanding of how the court should interpret the law, can you give a guarantee that workers who are participating in legitimate union activity will not be unduly targeted by any of these changes?

**Mr BARNETT** - Chair, I thank the Opposition Leader for her remarks. I appreciate her comments and concerns. To make it very clear, as a government we are not attempting to target anybody in particular, other than to ensure that workers are entitled to their protections and businesses are entitled to protection in the workplace from undue interference. There is no targeting of any particular groups, unions or otherwise, and to again confirm on the record, if there is any lawful, or reasonable excuse, that needs to be taken into account and that is appropriate - and I think I raised that in other discussions with your shadow minister earlier today - if there is a lawful excuse, for example under the Fair Work Act, that is absolutely accepted and noted and would not be impacted in any way, shape or form. In terms of lawful or reasonable excuse that intent would be applied.

**Ms WHITE** - Minister, you can understand the reason why we are asking these questions. There is legitimate concern that activity undertaken by workers who are members of a union or any workplace who might feel unsafe in that workplace, who want to protest because of that environment, are worried that they will be captured in this.

My understanding is that the intent of this legislation is to address workplace invasions and the risk they pose to workers on those work sites. That is what I understand the intent of this legislation to be. It is not to capture workers who are in a workplace who identify safety issues who then walk off the job or who protest out the front of that site because they are concerned about their place of work being unsafe.

That is the reason we moved the amendment that we did, because we do not want anyone who is undertaking that type of activity to be caught up in this legislative change that is before us right now. It is the reason why Unions Tasmania made the submission that they did, because that is not the intent of the bill as we understand it. It is not the reason why we have engaged with you, in good faith, to find a way to make sure we can deal with workplace invasions, that do put workers at risk, or do place protesters in situations where they may be at risk.

The concern we have is - again - the risk of overreach that is contained within clause 5 that might capture workers who are protesting legitimately about concerns they have on their worksite, protected action or otherwise. Some of that is captured under federal legislation, you are quite right: protected industrial action, but if it is not protected action they have walked off the job because something right then and there has happened, or they want to protest because they can see a problem in their workplace, and that is treated differently. We do not want to see that caught up in this. The job you have is to find a solution to make sure that it is not. We have proposed an option for you to consider. You have just rejected it outright. It may be that you can consider how that could be improved so that it deals with the problem we have identified; it satisfies the concerns we have but still upholds the intent of the legislation, as you have outlined.

Perhaps you have something to say about that, minister, but I will just express again the concerns that we have about this, and again our frustration that despite reaching out to you on numerous occasions, both shadow minister and Unions Tasmania through the submissions process undertaken by your agency, you have never once come back to us on this particular amendment with this particular issue to say, 'I understand what you're talking about, here's the problem we have, here's the problem you have, let's identify a way to resolve it'.

That is pretty disappointing. These are the sorts of things that I had hoped we could work through in the time that we have. I am hopeful that maybe you can reflect on that now and provide some feedback. I note that we are running out of time pretty dramatically because you have guillotined the debate. These are the sort of details that we could work through on the floor here, or have a short recess to be able to work in a working group to address the particular detail of it but we are running out of time because you have guillotined the debate and that is an unfortunate reality.

Minister, I will hand this across to you. We have provided an option to solve the problem. What are you going to do?

**Mr BARNETT** - I appreciate your comments, Opposition Leader. Workplace safety is very important, nothing could be a higher priority, and that is to be acknowledged and accepted. You have referred to the Fair Work Act, and so we are on a unity ticket there in terms of acknowledging that legality under the law in terms of industrial action and protected industrial action.

I want to make it clear in terms of the intent of the bill: of course, workplace safety is a top priority and a purpose of the bill. We have said this time and again, day in and day out, week in and week out that we want to protect the workers, their right to work, and the right of businesses to operate free from interference. It goes broader than just workplace safety.

I know how important workplace safety is to you. I want to make it clear it goes broader than that. They just need to be entitled to go to work and earn a living for their families. The manner in which union officials can enter a workplace has been considered in depth through work, health and safety legislation, and that still applies. Wherever that is appropriate, and if there is a legal right to be doing what they are doing, they are entitled to do it. Inserting exceptions or carve-outs into this legislation, I would say is a bridge too far for us. I have shared that both in this place and in meetings elsewhere. It is a bridge too far. I do not want to undermine this legislation or indeed other workplace health and safety legislation.

**Ms O'Connor** - Where is your industrial manslaughter legislation?

**Mr BARNETT** - Appropriate safeguards are built into this legislation, and the issuing of permits, for example, is carefully regulated.

I just want to make the point that I have reached out. This bill has been changed, and with Government full support last year, as you well know, to make it consistent as an amendment to the Police Offences Act. We have put it out for public comment. We got that feedback. We have taken it on board. We have changed the legislation again. Those submissions that were critical of the Government: I have written to them and tried to explain the Government's position. The Greens have not even mentioned it. I have written to those people they are referring to, to outline the Government's concerns. We agreed to disagree, but I wrote to those people many days ago. I put that on the record. I appreciate where you are coming from and your efforts to get to a landing point. This particular one is a bridge too far, but we always want to do whatever we can to improve the bill.

**Dr WOODRUFF** - Chair, I want to make some other points about this clause. A number of people who made submissions have some very serious concerns about (2AB), particularly the undescribed, undefined language, and the very loose language. The use of the phrase that:

A person would have an aggravated penalty imposed on them if they committed an offence, caused directly or indirectly a serious risk to the safety of the person or another person, or, that took an action that caused directly or indirectly a serious risk to the safety of the person or another person.

I will wait for the minister to listen to me. He is with his advisers. It is all right, you are only winding down the clock, we only have a little more time left. You are gagging this debate.

The use of the word 'indirectly' in (2AB)(a) opens a Pandora's box of possible circumstances where a trespasser may be exposed to a much greater penalty. It provides enormous scope for protesters to be held responsible at law for the safety of persons with whom they have had no direct contact, or that their protests do not directly affect.

What an 'indirect cause' might be is incredibly open to wide interpretation. The use of the term 'risk' in combination with the term 'indirectly' draws an even longer and uncertain bow,

one which could see a protester at risk of much greater penalties in a broad range of circumstances.

Minister, you have not provided any justification for this aggravated penalty in the fact sheet that accompanies the bill. There are no examples of what types of conduct or risks these amendments are intended to cover. I would like you to please go to some details. Without any details these aggravated penalties are extremely high and are totally unjustified and unwarranted. Those were comments from the EDO.

TasCOSS also had concerns about the lack of clarity and the vague language in these sub-clauses. They turned to the question of the use of the word 'obstructed'. They note that:

Under the amendments proposed, any protests taking place on private property, including inside a business in which a business was obstructed could fall under the provision that are related to aggravated trespass..

And that is clause (2AA). It is an extremely broad and open use of the word 'obstructed' in that context, and would potentially increase penalties for any protest that could be seen to have a negative impact on a business or industry, regardless of where the protest takes place, or the risk imposed by the protest activity.

They make the point that the High Court was critical of the breadth and uncertainty surrounding the 2014 failed law of your Government that was taken to the High Court by Bob Brown. The High Court found that this breadth and uncertainty in language contributed to their ultimate finding that the law was unconstitutional.

TasCOSS makes the point that the lack of clarity and the vagueness of language in subclauses (2AA) and (2AB) can have the potential for perverse outcomes that go far beyond the stated objective of the bill.

The lack of definitions or clear examples or any guidance in the second reading speech or the clause notes could very easily lead to prohibiting activities that are currently considered lawful, and impose a really unnecessary and unjustified restriction on people's legitimate right to protest.

I have one more comment on that, minister.

**Mr BARNETT** - In the time available, to the member's question on why 'indirectly causing a serious risk' is included in 'what circumstances would someone indirectly cause a risk'. Another example would be if, while trespassing, a person interfered or tampered with machinery, such as inserting a foreign substance into a fuel tank. This may not cause a risk until the machinery is turned on or used in a certain way; hence it may be considered to indirectly cause a serious risk to the safety of the worker using the machinery. I think that is a very good example.

How is serious risk assessed? The phrase 'serious risk' is used in other legislation such as the Commonwealth criminal code, where it is not defined. The Tasmanian criminal code contains the crime 'of making false threats of danger', which also uses the undefined phrase 'serious risk'. It is a question of fact for the court to hear evidence during a prosecution for

trespass. The higher penalty applies only if the court is satisfied in all the circumstances of serious risk.

In the moments we have to wrap up, I just want to make it clear that we want to protect the worker's right to work and businesses' right to operate free from interference. I absolutely, on behalf of the Government, uphold the right to protest and freedom of speech. That is something that we do. I absolutely support this.

I have tried on behalf of the Government to work collaboratively across the chamber and for that I appreciate the attempts from the Opposition. We did reach out on clause 4 and talked about the amendment which is also included in clause 5 - 'without reasonable lawful or excuse (proof of which lies on the person) - on page 4, paragraph subclause (b).

In summing up, this is an important matter.

**Ms O'CONNOR** - Point of order. We are not summing up. Have we got through clause 5?

**Dr Woodruff** - We had flagged an amendment to clause 5.

**Ms O'CONNOR** - We have two hours.

**Ms White** - We have another 25 minutes.

**Ms O'CONNOR** - That is right.

**Dr Woodruff** - There is no summing up here.

**Ms O'CONNOR** - That is right. We are not summing up, minister. You are not closing the debate on this bill because we have not got through the clauses in the limited time that we have. Nice try.

**Dr WOODRUFF** - Thank you, I will continue since the minister did not answer the questions.

**Mr CHAIR** - The time allotted for consideration of the bill having expired according to order -

**Dr Woodruff** - It has not expired.

**Mr CHAIR** - It has expired. I will put the final questions:

That the clause as read stand part of the bill; that the remaining clauses and schedule 1 be agreed to; that the title be agreed to; and that the bill be reported to the House without amendment.

**The Committee divided -**

**AYES 19**

Mrs Alexander  
Ms Archer  
Mr Barnett  
Dr Broad  
Ms Butler  
Ms Dow  
Mr Ferguson  
Ms Finlay  
Ms Haddad  
Mr Jaensch  
Mr O'Byrne  
Ms Ogilvie  
Mrs Petrusma  
Mr Rockliff  
Mr Shelton  
Mr Street  
Ms White  
Mr Winter  
Mr Wood (Teller)

**NOES 3**

Ms Johnston (Teller)  
Ms O'Connor  
Dr Woodruff

**Questions resolved in the affirmative.**

**Bill reported without amendment.**

**Mr SPEAKER** - The question is that the bill be now read the third time.

**The House divided -**

**AYES 18**

Mrs Alexander  
Ms Archer  
Mr Barnett  
Dr Broad  
Ms Butler  
Ms Dow  
Mr Ferguson  
Ms Finlay  
Ms Haddad  
Mr Jaensch  
Ms Ogilvie  
Mrs Petrusma  
Mr Rockliff  
Mr Street  
Mr Tucker  
Ms White

**NOES 3**

Ms Johnston (Teller)  
Ms O'Connor  
Dr Woodruff

Mr Winter  
Mr Wood (Teller)

**Bill read the third time.**

## ADJOURNMENT

Mr STREET (Franklin - Leader of the House) - Mr Speaker, I move -

That the House do now adjourn.

### Neighbourhood Houses Week West Moonah Community House

[8.40 p.m.]

Ms HADDAD (Clark) - Mr Speaker, I rise tonight to speak about Neighbourhood Houses Week, which was held from 9 to 15 May. It is a national week to recognise and celebrate the vital work of Neighbourhood Houses and community centres around the nation.

Everyone here would be well aware of the important work done by Neighbourhood Houses. There are over 1000 Neighbourhood Houses and community centres across Australia and 35 here in Tasmania.

This year's theme was about re-emerging and rebuilding a harmonious and resilient community after the lockdowns that saw so many Australians isolated. The chair of the peak body representing Neighbourhood Houses, Nicole Battle, said, 'Neighbourhood and community houses and centres have truly demonstrated their weight in gold over the past two and a half years'. While so many other services closed during the lockdowns, Tasmanian Neighbourhood Houses stepped up: 70 per cent of Neighbourhood Houses provided low-cost meals to community members and 57 per cent provided outreach services delivering meals or vegetable boxes. Other services houses provided included childcare, remote adult education, home deliveries, wellbeing calls, letterbox drops, online social gatherings, technology support and device hire.

Neighbourhood Houses also played a vital and valuable during the rollout of the vaccine program, creating awareness and combating vaccine hesitancy.

I know that everybody here would be very involved in the Neighbourhood Houses in their electorate. There are four in my electorate: Bucaan Community House in Chigwell, Goodwood Community Centre, West Moonah Community House and Karadi. Each deliver multiple programs in their communities that support people as well as bringing people together for useful courses and training, and fun social programs such as Eating with Friends and seniors lunches, courses like learning to drive, using computers, exercise and dance programs, and day trips. There are also often community forums. I am sure everybody has participated in election forums at community houses over the years. Many of them also have community gardens and community sheds, which provide an important social outlet.

Unfortunately, I did not get to go to the launch of Neighbourhood Houses Week, which was hosted at the Neighbourhood Houses Tasmania office in Moonah. That is because I had

COVID-19 that week. However, I did want to recognise the important work done by Neighbourhood Houses.

I did make it along to the West Moonah Community House youth market, which was held during National Families Week. It was the first year they had held a market of that type, and it was a huge opportunity for young people in the area to share their homemade wares and their interesting ideas and innovations. There were multiple stalls, including stalls selling plants that young people had propagated themselves, second-hand books, handmade clothing and soaps - I bought some of the soaps made by Layla - lots of homewares like coasters and vases, a stall selling homemade peanut butter and dog treats. There were lucky dips, bath bombs and lip balm, there was a number of young women selling jewellery, including Eva who sold me the lovely earrings I am wearing tonight.

It was such a success for those young people and for West Moonah Community House in providing that opportunity for young people to share their entrepreneurial ideas and also bringing the community together that they have decided to have another one. It will be held on 3 July from 10 am to 1 pm. There is still an opportunity for people to apply for a stall. Please get in touch with West Moonah Community House if you are a young person in the area and interested in doing that.

Meanwhile, I want to reiterate the important work done by neighbourhood houses throughout the electorate of Clark and around Tasmania and the country.

### **National Palliative Care Week**

[8.44 p.m.]

**Mr ROCKLIFF** (Braddon - Minister for Health) - Mr Speaker, I am pleased to take the opportunity this evening to acknowledge the importance of National Palliative Care Week, held from 22 to 28 May this year, to increase the community understanding about the value and benefits of palliative care. I have my palliative care ribbon on my left lapel.

The theme for National Palliative Care Week this year is: 'It's your right'. This theme seeks to raise awareness about the rights of all Australians to access high-quality palliative care when and where they need it. This theme aligns with our Government's focus on ensuring Tasmanians can access the health services they need in the right place at the right time. This includes palliative care services.

National Palliative Care Week seeks to raise awareness about the fact that palliative care offers so much more than end-of-life care. It is about providing support and care for people with a life-limiting illness to enable them to live well for as long as possible.

This National Palliative Care Week, a wide range of virtual and face-to-face events will be held across the country to acknowledge and celebrate the commitment and dedication of all those working and volunteering in the palliative care sector across Australia. As such, I recognise our hard-working staff and our own Tasmanian palliative care sector. I hope that the focus on this important area of care sparks valuable conversations about palliative care within the Tasmanian community.

Last week I attended virtually the palliative care roundtable meeting hosted by the CEO of Palliative Care Tasmania, Ms Colleen Johnstone. I was joined at the round table by leading members of the sector. I greatly valued the collaborative discussion about opportunities to further strengthen access to palliative care across the state by implementing innovative ideas and strengthening our workforce.

I was pleased to be able to speak at the round table and to emphasise our commitment to improving access to palliative care. Our last budget committed over \$21 million in funding over four years. This included \$10.5 million to strengthen in-home and community-based palliative care services, which means more specialist doctors and nurses across the state; over \$4 million for Palliative Care Tasmania to educate and train GPs, deliver community education and workforce development; and just under \$7 million for new public-private partnerships to deliver better access to palliative care services.

This work will assist in ensuring Tasmanians receive palliative care services when and where they need them, at the place that best suits their needs, acknowledging that for many people this may not be in a hospital bed.

Our department is engaging strongly with key stakeholders within the sector to develop a refreshed statewide policy framework for palliative care for the next five years. I am advised that this updated policy framework will identify future strategic priorities, some of which we already know, including workforce training and education, after-hours services, rural palliative care services and increasing awareness around advanced care planning. I understand that strong progress has been made to date and I look forward to joining the Department of Health to release the statewide policy framework for palliative care in the coming few months.

These initiatives will be complemented by the incoming Australian Government's commitment of \$20 million to establish a new public palliative care in-patient facility in the state's north, which we welcome and which will be informed by the Department of Health's clinical service planning currently underway. I look forward to this future development, along with our other initiatives strengthening the palliative care sector.

I acknowledge all of those who work in our palliative care sector, including my dear mum who is a palliative care, hospice care nurse.

### **Workplace Protection Bill - Abstention from Voting**

[8.48.p.m]

**Mr O'BYRNE** (Franklin) - Mr Speaker, I rise on the adjournment to provide a short statement on my decision to abstain from voting on the Police Offences Amendment (Workplace Protection) Bill 2022 in order to clarify my intentions and position on the matter.

First, I feel that the motives for the Government through this bill have been to provide a wedge through our community and use legitimate concerns that impacted industries on a matter of public importance as a way to score political points against their opponents. There is a long history of failed attempts to pass legislation that has significant impacts on the civil rights of citizens to engage in political discourse and the legitimate use of protest actions to illustrate a point or a perspective.

Having said that, there are legitimate workplace safety issues and a potential and real physical and physiological impact on workers by the very nature of these protests. The role of the parliament is to balance workers' safety and the right to protest. I feel that this legislation did not get that balance right and therefore I was unable to vote for it unamended.

Given my unique set of circumstances, I feel it is important that I explain my reason to abstain from voting on the bill rather than vote directly against it. I understand Labor will make amendments to the bill in the Legislative Council which may address some of the issues I have with the bill. However, I am not a member of the Parliamentary Labor Caucus, and therefore, I do not have an ability to contribute to the debate, the final caucus position and the future amendments to be made in the Legislative Council by them.

While I cannot support the bill in its current form I do remain a rank and file member of the ALP and respect the core principles of solidarity.

**Mr SPEAKER** - Mr O'Byrne, I need to remind the House that once the vote has been taken we cannot reflect on it.

**Mr O'BYRNE** - I understand. I will try not to do that in my remaining comments. Given my party membership I do not wish to vote against the party but I also believe in representative democracy and respect the party, through the PLP deliberations, have formed a voting position on the bill. Since I cannot refer to the bill, which I have in my previous comments, I did not wish to vote against my party so I chose to abstain.

During the debate I did make my views known that the Liberal Government obviously used its majority in the House to pass the bill. In this respect any attempt by me to move amendments would have been a fait accompli. I sincerely hope the Legislative Council is able to significantly amend the bill in order to address the various concerns raised by me and others in addition to the various concerns raised by a number of legal experts and the parliamentary Labor Party.

### **IDAHOBIT Breakfast**

[8.51 p.m.]

**Dr WOODRUFF** (Franklin) - Mr Speaker, I want to speak tonight about the fantastic IDAHOBIT breakfast and celebration that I went to last week. IDAHOBIT is a funny little acronym that evolved from 31 years ago when the WHO removed homosexuality from the classification of diseases and related health problems and is the day to celebrate an end to homophobia, biphobia, interphobia and transphobia. That international day is now recognised as IDAHOBIT and it is celebrated each year for LGBTIQ+ people globally to raise awareness of the work that we still need to do to continue to combat stigma, hate and discrimination.

This year and every year the Working It Out board and staff organise this. I pay my great respects to Jacob Miller, the chair of the board, and Lynn Jarvis, the CEO of Working It Out. They award Dorothies for trailblazers in the LGBTIQ+ community, for people who increase pride in the community. The Dorothies were named after Dorothy McRae-McMahon. This year Dorothy McRae-McMahon sent words to those of us at the breakfast. Dorothy lives in Sydney. She has been a feminist, Christian trailblazer since the 1970s. She was born in 1934

and has dedicated her life to women's liberation LGBTIQ+ rights, anti-apartheid and peace activism as well as to her family, her four children, and her religious and spiritual matters.

She was born in Zeehan. Her father was a Methodist minister there. She also lived in Beaconsfield, Launceston and Hobart. She moved to Sydney in the 1960s and was ordained as a minister in the Uniting Church in 1982. She committed her work to human rights and local street activism. She became a national director for the mission of the Uniting Church in Australia in 1993, was the first woman moderator of the World Council of Churches worship committee.

She ended her marriage when she recognised herself to be a lesbian and 10 years later, in 1997, she took brave step of coming out to the Uniting Church's national assembly in a public statement that caused a massive stir in Australia and around the world. It sadly resulted in a number of homophobic attacks.

Dorothy went on to speak about peace and love and used her successful campaign of activism to have homosexual ministers formerly accepted by the Uniting Church. She made then what now seems to be an obvious point, that homosexuality is a sign of wholeness rather than of moral decay. Dorothy's life of courage, her commitment to justice and personal integrity has initiated wide public conversation and social change on many issues resulting in the acceptance of gay and lesbian clergy in the Uniting and some other churches.

She spoke to us through someone from Baptcare who read out her words -

Honest living is often a little easier for us these days. In some environments we are more likely to be accepted and our lives are lifted in hope. To be able to be authentic brings us into profound living. I know that I feel more truly and deeply alive. I celebrate that experience within my section of the Uniting Church and a number of groups to which I belong. Being loved and accepted means we can offer all sorts of gifts to others and invites our community to live more widely and deeply in many unexpected ways. It adds all sorts of things to the world in which we live. So, let us all be part of that.

Thank you, Dorothy McRae-McMahon, for your courage, your vigour and your outspokenness.

I want to finish by mentioning the words that Rowan Richardson made to the breakfast. Rowan is a very talented, funny young man. The theme of his talk was ironically about trans issues and LGBTIQ issues in sport. That was chosen before the federal election. There was quite a lot of conversation about the stigma and the opportunity we have for trans people to live wholly and completely with acceptance in our community. Rowan made some very important points to us. He said:

Queer people taking up space and proudly owning their identity is the antithesis of shame, which is the primary weapon used to keep us in the shadows and keep us thinking we are second-class citizens. When we stop accepting being second-class citizens and being open and proud, this challenges the status quo and makes things change. People hate change especially the Australian Christian Lobby. Openly queer people being successful in anything is a threat to the conspiracy of the status quo that all

queer people are broken. Magnify that by a hundred because the sporting picture has always been territory for macho true-blue Australians and success there means we are beating them at their own game and writing ourselves into the nation's storybook. Queer people are part of the national identity. It's a true victory for our community and some people don't like that.

So, what can we do about? He said:

Truth is the antidote to fear, pride is the antidote to shame. If you are a queer, trans, or gender con-conforming person in the audience, know the best thing you can do is proudly live your truth to show others it's possible. If you are an ally, shame works in insidious ways. Don't ever let shame stop you from doing the brave thing. Know that you are going to get it wrong. Tell people you are proud of them. Spread truth and engage with people who need to hear it.

**Time expired**

### **Midlands Multi-Purpose Health Centre**

[8.58 p.m.]

**Ms WHITE** (Lyons - Leader of the Opposition) - Mr Speaker, I rise tonight following a meeting I had with the community advisory committee in Oatlands attached to the Midlands Multi-Purpose Health Centre. The meeting was incredibly constructive. I have been working with that community group now for many years, assisting them and lobbying and advocating on their behalf for funding for different projects they undertake on the Oatlands site.

In my recent meeting with them, we discussed the planned improvements that have been proposed for the health centre at Oatlands. The Liberal Government matched a commitment made by the Labor Party at the recent state election of \$3.5 million to provide upgrades to the Midlands Multi-Purpose Health Centre. Unfortunately, as is the case with many building projects, the rising cost of materials and labour has meant that they are short by a number of millions of dollars.

The project has been estimated at \$6.5 million now to complete what is required to bring that facility up to standard to meet the needs of the community. The move of the palliative care beds to a new area of the hospital, so that it is closer to where the nurses are and they can provide greater observation, the new eight-bed wing which would accommodate more residents in the facility, and a new entry for GP patients because of COVID putting further responsibilities on the separation of different types of patients to protect against the spread of disease, combined means the project cost has now come in at about \$6.5 million.

This is a significant capital improvement that is required at the site and members may be aware of the facility in Oatlands but for those who are unaware, it is very well-used by the local community and the residents are very fortunate to be able to access health care there but also as they age, access residential care there. It has been a real feature of the community that has helped to keep families together but, sadly, what has happened in recent years is families have had to move out of the community because there have not been any beds available. This is why they have looked to upgrade the facility with the addition of the eight new beds as part of

a new wing. It is obviously going to make an enormous difference to that community, helping families stay in their local area as they age, but it also provides more job opportunities in the region with more nursing staff and allied health staff required to support those residents.

I rise tonight because tomorrow the Liberal Government will be handing down their Budget and I am of the understanding that the Health minister, Jeremy Rockliff, visited and acknowledged that there would be an overrun at the site. I do not think at that point in time he understood the extent of the overrun but he did acknowledge that there would be an overrun beyond the \$3.5 million budgeted for that facility.

It is my understanding from talking with the community advisory committee and the council that the minister told them the Government would find the money, so I am looking forward to seeing in the Budget tomorrow an additional allocation for the facility to help them realise the upgrade that is needed to ensure healthcare can continue to be provided in that community, not just the additional eight beds but also to ensure that people can palliate in their own community and die in an environment where they are supported by their loved ones and family.

This has been a facility that has provided a huge service to that community over many years and the auxiliary and the community advisory committee together have been a tremendous support to the services that are delivered from that site. Their fundraising has been fundamental for them to achieve some of the outcomes and in particular the palliative care beds when they were initially funded.

I am here again, Mr Speaker, to lobby on behalf of the community and those who are connected to that facility for the additional funding that is needed to ensure that the upgrades that have been identified can occur. I am encouraged by the fact that the Health minister, Jeremy Rockliff, has visited, that he has been made aware there would be an overrun and has indicated that the Government would find the money. I am looking tomorrow to see that commitment delivered in the Budget to make sure the residents of the Oatlands community can continue to have access to high-quality health care where they live and we can support the workforce there to undertake their work in an environment that is supportive and offers best practice and very high-quality equipment and layout for them to provide the best care to their patients.

If the money is not in the Budget the minister can look forward to my continued lobbying on behalf of the community because this is certainly an upgrade that has my full support and is inevitable in order to meet the needs of that community.

**The House adjourned at 9.04 p.m.**